



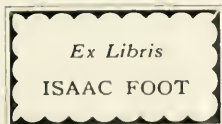


John MacTaggart.

August 25<sup>th</sup> 1902

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HORAE SABBATICAE



# HORAE SABBATICAE

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# I

## BERKELEY'S METAPHYSICAL WORKS<sup>1</sup>

HARDLY any English writer on philosophical subjects has attained a reputation so pleasant in itself as Bishop Berkeley. It is impossible to read his works without feeling for their author something of the sentiment which led Pope to attribute to him 'every virtue under heaven.' In all that he writes there is an air of genuine goodness, united with an amount of precision and force of thought, and also with an enthusiasm for his opinions, to which it would not be easy to find any parallel in his own time and country.

Besides this, it ought to be said in his favour that

<sup>1</sup> 1. *A Treatise concerning the Principles of Human Knowledge. Wherein the chief causes of Error and Difficulty in the Sciences, with the grounds of Scepticism, Atheism, and Irreligion, are inquired into.*

2. *Three Dialogues between Hylas and Philonous, in opposition to Sceptics and Atheists.*

3. *Siris. A Chain of Philosophical Reflections and Inquiries concerning the Virtues of Tar-Water; and divers other Subjects connected together and arising One from Another.*

he is always high-minded and public-spirited. The only charge indeed which can properly be brought against him is that, though no writer of his age had greater intellectual gifts—if indeed any one was his equal in acuteness of thought and accuracy of expression—he cared too much for the utility, and too little for the truth, of his speculations.

His inquiry into the nature of human knowledge, his dialogues on the same subject, and *Siris*, are undoubtedly three of the most subtle speculations of the eighteenth century, yet each is mainly directed towards a rigidly practical object. To confound scepticism, atheism, and irreligion is the object of his inquiry into the reality of matter. To preach the virtues of tar-water, which he does, with an unhesitating conviction, and an unqualified vigour of language, which reminds one at times of the literary department of the establishment of Moses and Son, and of Morison's British College of Health, is the main object of what may also be regarded as a treatise on ancient philosophy.

Of the three works on which Berkeley's metaphysical reputation rests, the first, the treatise on the *Principles of Human Knowledge*, was published in 1710, when its author was only twenty-six years of age. The *Dialogues between Hylas and Philonous* were published three years afterwards, and *Siris* in 1744, in his fiftieth year. He was far from being a voluminous writer, for the *Minute Philosopher*, published in 1732, some mathematical tracts, and a few

occasional, though very remarkable, sermons and pamphlets, make up the list of his publications.

The *Theory of Vision*, which may be put half-way between his mathematical and his metaphysical writings, was his earliest work, being published in 1709. It was perhaps because he published so little that Berkeley was one of the most consistent and pertinacious of philosophers. In every one of his works, the doctrines which he announced at twenty-five, to the great astonishment and almost to the scandal of his contemporaries, are maintained with unabated vigour and complete consistency, and they are always connected with the same practical results.

••• We will try to give some account of his views, for though their general tendency is sufficiently well known, there is, we think, a good deal of misunderstanding as to their real nature, and as to their place in the history of English philosophical thought.

The essay on the *Principles of Human Knowledge* is to a great extent in the nature of a refutation of part of Locke's *Essay on the Human Understanding*. Berkeley's great object was, as he says, to deliver philosophy, 'the study of wisdom and truth,' from 'the uncouth paradoxes, difficulties, and inconsistencies which multiply and grow upon us as we advance in speculation,' and from which he thought Locke's philosophy was not more free than that of his predecessors—a doctrine which he would probably have supported by reference, amongst other things, to the twenty-third chapter of the Second Book of

the Essay, on *Our Ideas of Substances*, in which Locke teaches that our faculties are dark and weak, and are fitted only 'to provide for the conveniences of living,' but not for acquiring knowledge of the 'true essence, secret composition, and radical texture of bodies.'

Of this limitation Berkeley was impatient. He says, 'The far greater part of the difficulties which have hitherto amused philosophers are entirely owing to this theory; that we have first raised a dust and then complain we cannot see.' Clear away the puzzles needlessly introduced into philosophical speculation by the philosophers, and you would be able, thought Berkeley, to speculate with perfect clearness, and to solve every question which could be stated, at all events in natural philosophy.

Of the puzzles thus introduced the two most important were, first, a false notion of abstraction; and, secondly, the doctrine of the existence of matter. The process of abstraction, as described by Locke, consists in analysing the various objects which we perceive into their elements, and in then regarding such of those elements as are common to a number of different things as general abstract ideas. 'For instance, there is perceived by sight an object extended, coloured, and moved; this mixed or compound idea the mind resolving into its simple constituent parts, and viewing each by itself, exclusive of the rest, does frame the abstract ideas of extension, colour, and motion.' By the application of this process to complex things, such as men,

animals, trees, etc., the mind can frame abstract ideas of them as well as of extension or colour. Thus, the abstract idea of man includes colour and stature, but no particular colour and no particular stature.

Berkeley altogether denied the possibility of such a process, the results of which he describes as monstrous and incredible. He totally denied, for instance, that we could form the general idea of a triangle which, in Locke's words, 'must be neither oblique nor rectangle, neither equilateral, equicrural, nor scalenon, but all and none of these at once.'

His own view was that words are only symbols, and that abstract words are only the names of parts of things common to an indefinite number of particular things to which the same name is applied. 'An idea which, considered in itself, is particular, becomes general by being made to represent or stand for all other particular things of the same sort.' I draw a triangle on a piece of paper, and argue from it about all triangles, and this is perfectly legitimate so long as the triangle from which I argue has the same qualities as those about which I conclude. I take, say, a right-angled equilateral triangle as a specimen, from which I demonstrate the proposition that its three angles are equal to two right angles, and this demonstration applies to all triangles, whether right-angled and equilateral or not, inasmuch as neither of those qualities is in any way introduced into or relied

upon in the course of the demonstration. I am arguing, therefore, not about the abstract idea of a triangle, as described by Locke, but about one specific triangle which is the type of all figures whatever that have in common with it the property of being enclosed by three straight lines.

What, it may be asked, is the practical difference between these theories? The best answer to this is to be found in a reference to Locke's political works, and those of his disciples—Warburton, for instance, in his *Alliance of Church and State*. The effect of Locke's theory of abstract ideas, when applied to such topics, is to produce what has the appearance of a remarkable inconsistency with the rest of his theories. His abstract ideas become a sort of bastard innate ideas, for whether you are told that such and such things are laws of nature because they follow from the abstract idea of justice or of a State, or from the innate ideas of justice or a State, is really of very little importance.

The notion that there are such things as abstract ideas had its origin, according to Berkeley, in a misconception of the use of language. Locke's account of them was that they were 'made in order to naming,' and this he connected with the further opinion, that every word ought to have some one precise settled signification. This, said Berkeley, is not the case. 'There is no such thing as one precise and definite signification attached to any general name, they all signifying indifferently a great number

of particular ideas.' Words, in short, he regarded not as the medium by which ideas were to be raised in the mind, but rather as symbols, like the symbols of algebra, which are capable of representing an indefinite number of particular things.

By getting rid of abstract ideas Berkeley expected to simplify very materially the whole process of thought. First, he expected to get rid of all merely verbal controversies, because, as words, in his view, were only counters reducible to particular specific thoughts and not denoting abstract ideas, he would be always able to translate his language into perfectly intelligible thoughts. 'So long as I confine my thoughts to my own ideas divested of words I do not see how I can be easily mistaken. The objects I consider I clearly and adequately know. I cannot be deceived in thinking I have an idea which I have not. It is not possible for me to imagine that any of my own ideas are like or unlike that are not truly so. To discern the agreements or disagreements that are between my ideas, to see what ideas are included in any compound idea, and what not, there is nothing more requisite than an attentive perception of what passes in my own understanding.'

Having thus, as he considered, laid the foundation for clearness of thought in a proper theory of the functions of language and the nature of words, Berkeley proceeds to use the instrument which he has devised.

He reckons up three different sets of ideas : those which are imprinted on the senses, those which are perceived by attending to the operations of the mind, and those which are formed by the help of memory and imagination. Besides these, he says, there is the mind itself, that which knows or perceives these ideas, and which is called ‘I, mind, spirit, soul, or myself’—a thing distinct from all ideas whatever, and being that wherein they exist, and whereby they are perceived.

These ideas, moreover, exist only in so far as they are perceived : ‘Their *esse* is *percipi*, nor is it possible they should have any existence out of the minds, or thinking beings, which perceive them. Consequently so long as they are not actually perceived by me, or do not exist in my mind, or in that of any other created spirit, they must either have no existence at all, or else subsist in the mind of some eternal spirit, it being perfectly unintelligible to attribute to any single part of them an existence independent of a spirit. To be convinced of which the reader need only reflect, and try to separate in his own thoughts the being of a sensible thing from its being perceived.’

This is the essence of Berkeley’s famous system, and, short as is the statement of it, the whole of the treatise on the principles of human knowledge, and of the Dialogues between Hylas and Philonous, is only a development of its various consequences, and an answer to the objections which may be made to it.



The phraseology of Berkeley's system is rather puzzling at first sight, and this may probably be the reason, or at least one reason, why, as Hume says, 'it admits of no answer, and produces no conviction'; but, if it is carefully examined, the system, we think, will be found to fall into a few of the very plainest propositions that ever were conceived by any human creature, as thus:—

That which we have no reason to believe to exist is to us as if it did not exist.

We have no reason to believe in the existence of anything unless we either perceive it or infer its existence from something which we do perceive.

We perceive nothing except what we perceive with our senses. The eye perceives colours, the ear sounds, the finger solidity, etc.

Every sensible object, whatever else it is, is a combination of such perceptions. Whatever else a stick may be, it is hardness+weight+a certain colour+a certain sound on being struck+a certain smell, etc.

But, besides these things, there is nothing else in the stick that we know of.

So far, therefore, as we know, the stick is a bundle of perceptions or ideas, and the notion of any substance or matter over and above the immediate objects of our senses is purely gratuitous—a mere metaphysical subtlety, the existence of which we have no more reason to believe than we have to believe, for instance, that there are gryphons in Sirius.

To this extent Berkeley appears to us, not only to be unanswerable, but to produce conviction. That 'matter' and 'substance,' used in any other sense than that of the idea of resistance derived from the touch, are merely unmeaning sounds, and that the endless disputes to which they have given occasion and of which numerous illustrations are to be found, *e.g.* in Bayle's *Dictionary*, are mere unmeaning beatings of the air, appear to us self-evident propositions when they are once fully understood.

They are indeed so clear to those who receive them at all that the minute and patient ingenuity with which Berkeley unravels and refutes every conceivable objection to them becomes at last wearisome. More ingenious writing than is to be found in the Dialogues between Hylas and Philonous does not exist anywhere ; yet, after all, it all comes down to this : The sum total of our perceptions constitutes the sum total of our knowledge of things without us. There are no other things that we know of except our perceptions. To be, and to be perceived, are two ways of expressing the same thought, of which one very simple proof is this, that not to be and not to be perceived are obviously identical. What do we mean when we say that there is no money in a purse, except that no one can see or feel any, when they look or put their fingers into it ?

There can, we think, be no doubt that, by the vigorous manner in which he preached this doctrine, Berkeley did considerably simplify speculation. At

least he contributed greatly to the growth of the only school of thought which has resolutely turned its mind away from the fantastic and utterly incomprehensible puzzles into which every one may, and indeed must, be driven who supposes that he has some truer and deeper knowledge of things than the aggregate of what his senses tell him.

It appears to us, however, that the great achievement of Berkeley was of this negative kind, and that when he tried to raise a general system of philosophy upon the negative basis which he thus laid down, he failed conspicuously. His great leading doctrine on this subject was that, as *esse* and *percipi* are identical, and inasmuch as things exist when I do not perceive them, there must be some other being who does perceive them; and as this applies to every finite creature, there must be an infinite percipient being who always perceives everything, and so gives it existence. The whole world is thus the thought of God.

There is a certain sublimity about this way of viewing the subject, yet it has also its grotesque side. When I leave this room all the furniture in it would cease to be till somebody else came in and looked at it, if the fact that it is perceived by God did not keep it in *esse*. This might be exactly expressed by saying, in the language of English conveyancing, that Berkeley regarded his Maker as a universal trustee to preserve contingent remainders.

His theory, if worked out consistently, leads,

not to the doctrine that there must be a God to perceive the things which I do not perceive, but that I cannot affirm that the things exist except when I perceive them ; and that when I assert that they exist in my absence, all that I mean is that I should perceive them if I were in different circumstances from those in which I actually am. I actually know nothing but my own perceptions. What other people's perceptions may be is only matter of inference, and what God's perceptions may be is matter of remote and difficult inference. Now if it be true that God's perceptions of things differ entirely from man's perceptions, so that where, for instance, man perceives a flat solid piece of wood, God perceives something infinitely more elaborate than any microscope could show to any man, it will follow that as soon as I cease to look at the piece of wood in question the flat solid surface will not be perceived—which is equivalent, in Berkeley's system, to saying it will not exist till I look at it again. It does not exist in God's mind, for that which does exist in God's mind is something altogether different. The idea has to be received into my mind before it can take the particular shape which I perceive—before it can be itself. The fact, therefore, that when I come back to the room where it is, I see it where I left it, does not prove that there must have been a God taking care of it for me in the interval, for what God perceives is not my perception, but his.

The substance of what Berkeley established appears

to us to be that the whole of our knowledge of things other than ourselves, is made up of the sum total of our perceptions, and that these perceptions are external to us in the sense of being permanent, or at all events of recurring permanently, and according to fixed rules, and of being altogether independent of our own will, by which they are sufficiently distinguished from mere hallucinations created by disease, or chimeras produced by the voluntary exertions of our own imaginations — a sufficient answer, by the way, to the absurdly small wit which has often been levelled at Berkeley, for not getting run over by carts, etc. — and that such words as ‘matter’ and ‘substance,’ and such inquiries as the question whether matter is or is not infinitely divisible and the like, are simply unmeaning nonsense, about which people ought not to waste time which might be better employed.

If any one wishes to see how little real extravagance there is in Berkeley’s doctrine, and how very much truth there is in his assertion that he was the real enemy of scepticism and also of mystifications of all kinds, and the real friend of common sense, he had better study the three Dialogues between Hylas and Philonous, in which all the popular objections to his theory are discussed and dissipated with perfectly marvellous ingenuity.

We have seen a copy of this work, the owner of which had attempted to sum up the controversy between Berkeley and Reid in a marginal pencil note

which does state the matter in rather a pointed way : *Berkeley* : What I perceive is real. *Reid* : I perceive real things.

By far the most curious of Berkeley's writings is the *Siris*. It is indeed as strange a book as ever was written by a man of genius. It is, however, not difficult to understand how it came to be written. During the greater part of his life Berkeley lived very much alone, either in America or in his diocese of Cloyne, where he appears, amongst other things, to have done a great deal of amateur doctoring ; for he was one of the best and most charitable of men, and left nothing untried which could be of service to the poor of his diocese.

For some reason or other, he fell violently in love with tar-water ; and, being possessed of a great amount of strange and recondite learning about ancient philosophy, and also of a considerable knowledge of the physical science of his own time, he seems to have occupied himself in working up into one strange mass all that he had to say about tar-water, physical science, and ancient philosophy.

*Siris* is emphatically an elderly man's book. It has the fancifulness, the enthusiasm, and the accumulated reading which are often to be found in an elderly man who has lived a good deal alone, and is a little apt to be positive and enthusiastic about his own particular fancies. The virtues of tar-water, in Berkeley's eyes, were almost miraculous. It would cure foulness of blood, ulceration of bowels,

lungs, consumptive coughs, pleurisy, peripneumony, erysipelas, asthma, indigestion, cachectic and hysteric cases, gravel, dropsy, and all inflammations. It was a preservative against smallpox; it was of great use in the gout; it cured gangrene, scurvy, all hypochondriac maladies, and fevers. It was 'particularly recommended to seafaring persons, ladies, and men of studious and sedentary habits.' It was excellent for children, and it 'answered all the purposes of elixir proprietatis, Stoughton's drops, best turpentine, decoction of the woods and mineral waters.'

Whence came all these virtues? This leads to an inquiry into vegetable life, the nature of air, the 'pure ether or invisible fire' of the ancients and moderns; and this of course sets the Bishop off on all his great metaphysical hobbies as to the impossibility that matter should be a cause, as to the necessity of referring all motion to spiritual agency, as to the wisdom of the ancients, as to absolute space and fate, as to innate ideas as conceived of by Plato and Aristotle, as to the excellencies of Plato in particular, and finally, as to the Platonic Trinity.

This work is followed up by 'Farther Thoughts upon 'Tar-water'—the last of Berkeley's performances, in which we learn that, besides curing almost every kind of disease—cancer, for instance, diabetes, the plague, dropsy, yellow fever, and most other things—it will make stupid children clever: 'It may render them for a time perhaps unseemly with eruptions, but withal healthy and lively, and I will

venture to add that it lays in the true principles of a good constitution for the rest of their lives. Even the most heavy, lumpish, and unpromising infants appear to be much improved by it. A child there is in my neighbourhood of fine parts who at first seemed stupid, and an idiot, but by constant use of tar-water grew lively and observing, and is now noted for understanding beyond others of the same age.'

It is interesting to contrast the easy natural way in which, in his old age, the Bishop gradually runs through the pure ethereal fire up to the Platonic Trinity, and then gently runs down the scale to 'Captain Drape's affidavit of the great and surprising efficacy of tar-water in the cure of the smallpox,' with the terse, systematic, combative energy with which in his youth he put forward and defended his speculations about the non-existence of matter.

There are several points in the *Siris* well worthy of more attention than we can at present give to them. For instance, Berkeley gives in a very few words his own theory as to innate ideas, which closely corresponds with one which has of late years been accepted by many writers, and which is by no means inconsistent with Locke's doctrine on the subject: 'Aristotle held that the mind of man was a *tabula rasa*, and that there were no innate ideas. Plato, on the contrary, held original ideas in the mind, that is, notions which never were nor can be in the sense, such as being, beauty, goodness, likeness, purity.



Some perhaps may think the truth to be this : that there are properly no ideas or passive objects in the mind but what are derived from sense ; but that there are also besides these her own acts or operations : such are notions.'

The whole attitude of Berkeley's mind towards the old philosophers is very remarkable. He held something of the same opinion about them as was long afterwards held by De Maistre, though he expresses it in a much more reasonable and less mystical way.

Though for many reasons we may not agree with them, the following passages have a liberal and enthusiastic tone which is as attractive as the substance of the remarks themselves is noticeable. 'There are traces of profound thought as well as primeval tradition in the Platonic, Pythagorean, Egyptian, and Chaldaic philosophy. Men in those early days were not overlaid with languages and literature. Their minds seem to have been more exercised and less burdened than in later ages ; and, as so much nearer the beginning of the world, to have had the advantage of patriarchal lights handed down through a few hands.'

'The human mind is so much clogged and borne downward by the strong and early impressions of sense, that it is wonderful how the ancients should have made even such a progress, and seen so far into intellectual matters, without some glimmering of a

divine tradition. Whoever considers a parcel of rude savages left to themselves, how they are sunk and swallowed up in sense and prejudice, and how unqualified by their natural force to emerge from this state, will be apt to think that the first spark of philosophy was derived from heaven; and that it was, as a heathen writer expresseth it, *θεοπαράδοτος φιλοσοφία.*'

‘In the *Timæus* of Plato mention is made of ancient persons, authors of traditions and the offspring of the gods. It is very remarkable that, in the account of the Creation contained in the same piece, it is said that God was pleased with his work, and that the night is placed before the day. The more we think, the more difficult shall we find it to conceive how mere man, grown up in the vulgar habits of life, and weighed down by sensuality, should ever be able to arrive at science without some tradition or teaching which might either sow the seeds of knowledge, or call forth and excite those latent seeds that were originally sown in the soul.’

## II

### BERKELEY'S 'MINUTE PHILOSOPHER' <sup>1</sup>

WE purpose now to say something of Berkeley's principal controversial and practical work—*Alciphron, or the Minute Philosopher*—which is composed of seven dialogues, and professes on the title-page to be 'an Apology for the Protestant Religion against those who are called Freethinkers.'

The *Minute Philosopher* has obtained an immense reputation, and is not only quoted for its arguments, but praised as a picked specimen of the style of composition to which it belongs. It is probably difficult at the present day to judge fairly of its merits in point of style. It was published in 1732, and was obviously meant to be a popular performance. If we are to trust other observers besides Berkeley, that time was a specially irreligious one. The impulse given to religion in England by the dread of Popery which led to the Revolution, and by the reaction against the licentiousness of Charles II.'s reign, had died out, and the new impulse created by Methodism

<sup>1</sup> *Works of George Berkeley, D.D., Bishop of Cloyne.* 1843.

had not begun to make itself felt. Writing in 1736, Butler said, 'It is come, I know not how, to be taken for granted by many persons that Christianity is not so much as a subject of inquiry, but that it is now at length discovered to be fictitious.'

Much curious evidence is collected in Mr. Pattison's essay on the Tendencies of Religious Thought in England from 1688 to 1750 as to the temper of those times, and any one who refers to it, may easily satisfy himself of the very peculiar state of feeling to which Berkeley had to adapt his style. When, however, all due allowances have been made upon this head, it must, we think, be conceded that, judged at all events by more modern standards, the *Minute Philosopher* is open to great objections in point of style.

A set of dialogues in which one of the interlocutors is always made to look like a fool is at best like a game of chess between the right hand and the left, in which it is predetermined that the right hand is to win. A book of conversations where persons of similar views bring out different sides of the same theory, as in the *Soirées de St. Pétersbourg*, may be charming; but a book of dialogues is almost always made unendurable by its indirect brag. Notwithstanding all the reputation of Berkeley, this is eminently true of the *Minute Philosopher*. Nothing can be tamer than the irony of the Christian advocate, and the elaborate insolence of the freethinker.

Berkeley's one notion of a dialogue seems to be to

make either Alciphron or Lysicles set off with a bombastic self-confident speech, the various defects of which are then pointed out by Euphranor, with the occasional assistance of Crito, in a tone which always begins with affected simplicity and innocence, and always ends by reducing the audacious sceptic to utter confusion. The same remark applies in a minor degree to the dialogues between Hylas and Philonous, though the more abstract and less interesting character of their discussion saves the reader from the affectation of simplicity which Euphranor, in the *Minute Philosopher*, wears about as clumsily as a stage countryman, who prepares for his victory over the town villain, by exaggerating the uncouthness of his brogue and the awkwardness of his gait.

When we pass from the question of style to that of substance, the case is different. The book is full of interest, in so far as it affords an account of Berkeley's own views, though we do not think it does justice, as indeed it could hardly be expected to do justice, to the sceptical side of the controversy. One of its peculiarities is that, with the exception of Lord Shaftesbury and Mandeville, it hardly ever names the writers whose opinions are being attacked, or describes them otherwise than by classical pseudonyms. It is thus by no means easy to say whether their doctrines are fairly stated, and whether Alciphron and Lysicles can be accepted as really competent representatives of the opinions of which they are made the organs.

The most general remark which the book suggests is, that throughout the whole of it, Berkeley unreservedly, and on every possible occasion, displays his conviction that freethinkers—or, as he calls them, minute philosophers—were simply enemies to morality, order, and every form of virtue, and the advocates of the most unrestrained personal indulgence of every sort of sensual appetite. He never appears to admit for a moment the possibility that they can be conscientious, or that their motives can be anything else but downright unmitigated wickedness.

It is also remarkable, and indeed highly characteristic both of the man and of the time, that he never tries, like many Christian advocates in our own days, to frighten his opponents into Christianity, by threatening them with atheism as their only alternative. On the contrary, he regards them as being only too much inclined to atheism as it is, to need pushing any farther in that direction; and he is not only ready, but willing, to allow them to believe rather less than he might perhaps wish, if they will only agree with him, as to what he regards as the main and indispensable points of natural religion on ordinary grounds of reason. For it must also be observed that, according to the all but invariable practice of the divines of the eighteenth century, Berkeley continually maintains that reason is the test of truth, and that religion has no claim to be believed except in so far as it can be established by reason.

Probably no orthodox writer of that age would have ventured to assert, as writers of the highest possible reputation for orthodoxy have continually asserted in our own time, that reason and religion are natural enemies, and that, nevertheless, religion is true. Berkeley, indeed, not only contends that natural religion can be proved by reason, and ought to be founded upon it, but appears in some places to go the length of regarding Christianity as valuable, mainly, because of the warrant which it gave to natural religion, and of looking upon the Christian mysteries as matters to be received principally for the sake of their connection with these fundamental tenets.

... Being pressed by Lysicles to reconcile the principal points of the gospel history 'to the common notions and plain sense of mankind,' Crito says: 'And what if those, as well as many other points, should lie out of the road we are acquainted with; must we therefore explode them, and make it a rule to condemn every proceeding as senseless that doth not square with the vulgar sense of man? If the precepts and certain primary tenets of religion appear in the eye of reason good and useful, and if they are also found to be so by their effects, we may, for the sake of them, admit certain other points or doctrines, recommended with them to have a good tendency, to be right and true.'

The broad truths of the existence of a God, and of a supernatural sanction for morality, which are ascer-

tainable by reason, are thus the foundations of the Christian religion, the mysteries of which are to be received because the two are connected together. This view of the matter would appear to many modern writers a surrender of the whole case.

The first of the seven Dialogues is occupied mainly by a general exposition, on the part of Aleiphron, of the tenets of his sect. He professes himself an Atheist. 'Atheism, that bugbear of women and fools, is the very top and perfection of freethinking,' and its truth is proved by the variety of religious opinions which exist in the world. When this doctrine is once embraced, we have no difficulty in seeing the true end of human life, which is sensual pleasure. 'Every wise man looks upon himself, or his own bodily existence in this present world, as the centre and ultimate end of all his objects and regards. He considers his appetites as natural guides, directing to his proper good; his passions and senses as the natural true means of enforcing this good.' Consequently, indulging all our passions 'without restraint, remorse, or fear,' is the highest happiness attainable by human nature.

After a good deal of brag, intentionally made as vulgar and offensive as possible, as to the course of education by which men arrive at such results, Euphranor proceeds to his cross-examination upon them, and shows, of course with great ease, that human nature includes social as well as sensual propensities, that society and government are in a



very definite sense natural to mankind, and that 'a wise man should consider and pursue his private good with regard to and in conjunction with that of other men.' He does not clearly explain what 'should' means in this phrase, nor does Alciphron ask him. Euphranor then concludes 'that the belief of a God, of a future state, and of moral duties, are the only wise, right, and genuine principles of human conduct in case they have a necessary connection with the well-being of mankind.'

The conclusion seems to be rather confused, inasmuch as the preceding argument has established only that a purely sensual and isolated life is not according to human nature; but probably Euphranor means that the fact that any given belief is necessarily connected with that kind of well-being for which human nature qualifies us, is evidence of its truth—a proposition on which much might be said, but which Alciphron allows to pass unexamined and unchallenged. Lysicles, however, saves all discussion of the subject by interposing his opinion that the belief in a God, in a future state, and in moral duties, is not beneficial, inasmuch as these doctrines discourage vice, which is beneficial.

This forms the subject of the second Dialogue, in which Lysicles states, with even more revolting nakedness than its original author, the egregious folly of Mandeville about the benefits of vice, and is of course refuted, by a detailed application of the obvious argument, that virtue favours health, industry,

and long life, which are the main elements of national prosperity. Lysicles replies that, however this may be, vice is his personal interest, because it enables him to enjoy sensual gratifications unchecked; to which Euphranor replies by proving that sensual pleasure is a very small part of human happiness, which of course he performs as easily as he proved against Aleiphron that social instincts are natural, and in much the same way.

This Dialogue may be recommended with confidence to those who relish a good, sturdy, full-bodied morality, free from all qualms or refinement. There is about it a hang-him-by-the-neck-till-he-is-dead way of dealing with vice which is pleasant to read in these sentimentalising days: 'Something there is in our climate and complexion that makes idleness nowhere so much its own punishment as in England, where an uneducated fine gentleman pays for his momentary pleasures with long and cruel intervals of spleen, for relief of which he is driven into sensual excesses that produce a proportionable depression of spirits, which, as it createth a greater want of pleasures, so it lessens the ability to enjoy them. . . . This man of pleasure, when after a wretched scene of vanity and woe his animal nature is worn to the stumps, wishes and dreads death by turns, and is sick of living, without having ever tried or known the true life of a man. . . . As the minute philosophy prevails we daily see more instances of suicide. . . . Splenetic, worried, and frightened out of their wits, they run upon their

doom, not because they are bold to die, but because they are afraid to live.'

A life of sensuality is a wretched bargain. 'In order to make a true estimate of pleasure, the great spring of action, and that from whence the conduct of life takes its bias, we ought to compute intellectual pleasures and future pleasures, as well as present and sensible.'

These few sentences are fair specimens of many pages of good, sound, downright abuse of free-thinkers and their principles, illustrated by shocking examples. We have Cleon, who 'died before thirty, childless and rotten, and expressing the utmost indignation that he could not outlive the old dog his father'; Lycidas, 'a modest young man,' who being instructed by Charmides, a minute philosopher, in the principles of the sect, practised his master's precepts by seducing his daughter, whereby his master hung himself; and Bubalion, who one night at supper talked against the immortality of the soul 'with two or three grave citizens, one of whom next day declared himself bankrupt, with £5000 of Bubalion's in his hands, and the night following he received a note from a servant who had during his lecture waited at table, demanding the sum of fifty guineas, to be laid under a stone, and concluding with the most terrible imprecations.' This is like one of Hogarth's pictures, in which virtue is inculcated by the gibbets from which pirates are hanging, and by the last dying speech and confession of Counsellor Silvertongue.

In the following Dialogue, Alciphron turns his back both upon Lysicles, and his own original views as to the supreme happiness of mere sensuality, and declares his preference for the doctrine of honour, and disinterested morality, as preached by Shaftesbury, and says that the true foundation of morality is to be found in the beauty of virtue. Heronpon Euphranor pushes him by a long cross-examination, which Alciphron deals with very weakly, to admit that beauty means no more than utility or fitness for a serviceable end; whence the step is easy to the conclusion that as rewards and punishments are useful, they must have their place in a beautiful arrangement of things. ‘In an incoherent fortuitous system governed by chance, or a blind system governed by fate, or in any system where Providence does not preside, how can beauty be—which cannot be without order, which cannot be without design?

‘When a man is conscious that his will is inwardly conformed to the divine will, producing order and harmony in the universe, and conducting the whole by the justest methods to the best end, this gives a beautiful idea.’ On the other hand, ‘Is it not an ugly system in which you suppose no law, and prove no duty, wherein men thrive by wickedness and suffer by virtue?’

This theory is backed by another dose of the sturdy morality before described. The beauty of goodness may be enough for foreigners; but ‘whatever may be the effect of pure theory upon certain select spirits

of a peculiar make, or in other parts of the world, I do verily think that in this country of ours reason, religion, law, are all together little enough to subdue the outward to the inner man, and that it must argue a weak head and weak judgment to suppose that without them men will be enamoured of the golden mean. To which my countrymen, perhaps, are less inclined than others, there being in the make of the English mind a certain gloom and eagerness which carries to the sad extreme; religion to fanaticism; free thinking to atheism; liberty to rebellion.' To all this Alciphron replies, as Lysicles had in the preceding Dialogue, that all that has been said only tends to show the utility of religion, and not its truth.

The fourth Dialogue accordingly relates to the existence of God, which is proved against Alciphron first by the usual argument from design, to which he makes no sort of reply whatever. This appears to us to be a mistake in point of art, and to show the defects which the form of the work necessarily involves.

From the argument from design Euphranor passes to Berkeley's own peculiar demonstration of the existence of God from the non-existence of matter, in which he only repeats what is to be found in his essay on the principles of human knowledge. After Alciphron has been sufficiently refuted, Lysicles interposes with the observation that he has no objection to the doctrine of a God if he may be allowed to hold with 'Diagoras, a man of much

reading and inquiry' (who, by the way, might very well have been Archbishop King), 'that the words knowledge, wisdom, goodness, and such like, when spoken of the Deity, must be understood in a quite different sense from what they signify in the vulgar acceptation, or from anything we can form a notion of or conceive.' 'In short,' he observes, 'the belief that there is an unknown subject of attributes absolutely unknown, is a very innocent doctrine.'

Crito, in answer to this, goes into a long inquiry as to the extent to which such a doctrine can be admitted, the result of which is that 'we must understand all those attributes to belong to the Deity which in themselves imply, and as such denote, perfection'; *e.g.* when we say that God is wise or knowing in an infinite degree, the words have a distinct and proper meaning; but when we say he is angry or grieved, these are mere metaphors. Hereupon Alciphron asks how, if this be so, God can be said to be good, the world being what it is. Euphranor replies, 'Tell me, Alciphron, would you argue that a State was ill-administered, or judge of the manners of its citizens, by the disorders committed in the gaol or dungeon?' Alciphron says, 'I would not.' Upon which Euphranor observes that, for aught we know, 'this spot and the few sinners on it' is the dungeon of the universe. Alciphron, as usual, is silenced by the answer, which is very good-natured in him, for the answer is too obvious for a child to miss. If, as the whole scope of the argument

implies, our estimate of the divine attributes is to be framed from what we see and know, what right have we to assume that other worlds are unlike our own? Besides would it not be perfectly just to argue from ill-managed gaols to an ill-managed Home Office?

In the latter part of this dialogue Crito and Euphranor are greatly indebted to the forbearance of their antagonists. The question of worship, for instance, is passed over in one paragraph. Alciphron asks what the use of it can be, God being without passions. Crito replies: 'We worship God, not because we think he is proud of our worship, or fond of our praise or prayers, or affected with them as mankind are . . . but because it is good for us to be so disposed towards God, because it is just and right and suitable to the nature of things, and becoming the relation we stand in to our supreme Lord and Governor.'

Alciphron is satisfied, but it is obvious enough that he might have pushed the doctrines laid down by Crito and Euphranor to conclusions which, to say the least, would look very strange in champions of orthodoxy.

In the next Dialogue Crito takes the offensive. He sums up what has gone before, reminds Alciphron of his admissions of the benefits of virtue, the existence of God, the advantage of worshipping God; and he then asks, 'If a religion, why not the Christian, if a better cannot be assigned, and it be already established by the laws of our country and handed down to us by our forefathers?' This leads to a long dis-

cussion on the merits of Christianity as shown in history, as to which Crito says, 'One great mark of the truth of Christianity is, in my mind, its tendency to do good, which seems the north star to conduct our judgment in moral matters and in all things of a practical nature.'

The only remark which the rest of the Dialogue suggests is that it heightens our regret that Berkeley threw his book into such an inconvenient form. If the remarks upon the moral effects of Christianity, especially upon England, had been given in a substantive form, and not in the shape of a dispute, they would have been much more interesting and valuable. Their value, however, is now a good deal diminished by the fact that the topics upon which he dwells—such as the services of the clergy to literature, and the softening of national manners by Christianity—are much more familiar now than they formerly were.

A casual point of interest is Berkeley's estimate of his countrymen as the sternest and hardest of races. Thus he speaks of 'the particular hardness and roughness of the block out of which we were hewn.' 'Such a northern rough people.' 'There is a vein in Britain of as rich an ore as ever was in any country, but it lies deep, and will cost pains to come at, and extraordinary pains require an extraordinary motive. As for what lies next the surface, it is somewhat indifferent, being neither so good nor in such plenty as in some other countries.'

In the last two Dialogues Alciphron proposes his



specific objections to the Christian religion. He advances, though with no great force, some of the usual questions as to the Bible, which, on the other hand, Euphranor and Crito answer in a clumsy way ; and it is impossible not to feel that this and the next Dialogue, which deals with the evidences of Christianity, are by very much the weakest part of the book. They do not in the least do justice to the controversy on that subject.

A passage which, at the present day, has some interest, relates to the antiquity of the world. 'Tell me,' says Alciphron, 'are we not obliged, if we believe the Mosaic account of things, to hold the world was created not quite 6000 years ago?' Euphranor: 'I grant we are.' After a great deal of skirmishing about the Egyptian and Chinese annals, Crito argues upon the absence of any remains of an ancient world. 'To any one who considers that in digging into the earth such quantities of shells, and in some places of bones and horns of animals, are found sound and entire, having lain there in all probability some thousands of years, it should seem probable that gems, medals, and implements in metal or stone might have lasted entire buried underground 40,000 or 50,000 years, if the world had lasted so long.'

On Berkeley's summary of the evidences of Christianity, which consists in effect of the various applications of the one reflection, that the persons to whom the original evidence was accessible were in

fact satisfied by it, we have no remark to make. Like every other writer on evidences with whom we are acquainted, Berkeley persistently refuses to see, that to speak of Christianity, as a religion which converted a reluctant world against its inclination, by the dead weight of overwhelming evidence, is utterly and absurdly incorrect. Moral sympathy of the most intense form, inward passions of the greatest possible strength, were the real inducements which led men to be Christians. And this fact is double-edged. It weakens the external, whilst it strengthens, and indeed constitutes a great part of the internal, evidence of the religion.

The last argument in the book is directed against Aleiphron's objection that many of the terms of Christian theology ('grace' is the one which he chooses) are unintelligible and unmeaning. The reply to this, is by an ingenious adaptation of the theory expounded in the *Essay on Human Knowledge* about abstract ideas. These words, he says, refer not to specific things, but to a vast variety of states of mind more or less resembling each other, as the word 'force' applies to a vast variety of effects, and not to any specific cause producing them.

Such is a sketch of the contents of this remarkable book, which, with great blemishes of style, and occasional defects in thought, is nevertheless one of the most complete, successful, and characteristic works of the class to which it belongs. The case which it presents on behalf of Christianity is shortly this. The

great doctrines of natural religion can be shown by reason to be true. They are embodied in Christianity, which is proved by experience to be useful, and rests on a basis of positive evidence which makes it probable; and this is a sufficient ground, not for believing it absolutely, but for having faith in it, by which Berkeley appears to have meant acting on the hypothesis of its truth.

When carefully analysed, we do not think that the *Minute Philosopher* carries us higher than this, which is also in substance the result reached by Berkeley's more famous contemporary, Butler. It would be no difficult matter to show that, though morally and practically there is all the difference in the world between Berkeley and Butler, and many of their opponents, the chief dispute between them intellectually, was as to a question of fact, as to the proper method of discussing which they were substantially agreed. The fact that the conclusions at which they arrived differed so widely, and involved such important differences of another kind, suggests questions which meet us at every turn in that great controversy. Is it possible that the parties to it should have really and adequately understood its scope? Have they not at some point or other managed to leave the matter upon a false issue? The full discussion of these questions would lead us far beyond our limits, and an inadequate discussion of them would be worse than useless.

### III

#### BERKELEY'S OCCASIONAL WORKS<sup>1</sup>

THE occasional works of a remarkable man are often as characteristic as any part of his writings, and we propose to complete our sketch of him by saying something of his minor productions, a list of which is given below.

The only other matter contained in his works consists of mathematical speculations. A great part of these tracts is purely technical, but they are also directed, to a very great extent, to the philosophy of the subject, and to the various metaphysical ques-

- <sup>1</sup> 1. *Sermon on Passive Obedience.*
2. *An Essay towards Preventing the Ruin of Great Britain.*
3. *A Discourse addressed to Magistrates and Men in Authority.*
4. *A Word to the Wise.*
5. *A Letter to the Roman Catholics of the Diocese of Cloyne.*
6. *Maxims concerning Patriotism.*
7. *The Querist.*
8. *A Proposal for the better Supplying of Churches in our Foreign Plantations, &c.*
9. *Concerning Motion.*

tions which may be connected with all mathematical study.

The least technical of the tracts in question are three—'A Tract concerning Motion,' a part of the 'Analyst,' and 'A Defence of Freethinking in Mathematics.' The consistency of aim and the persistency of mind, which were Berkeley's most striking peculiarities, are nowhere more forcibly illustrated than in these works. Though their special object is mathematical, each is, in its way, an argument on the subject which continually exercised the author's mind. To exorcise metaphysical phantoms, and to reduce every subject with which he had to deal to the clearest and most positive form, was the great object of Berkeley's writings on all subjects.

The 'Tract concerning Motion' is accordingly intended to prove that space and motion are relative terms, that absolute space and absolute motion are nonentities, and that it is impossible to discourse about them at all without falling into endless absurdities and contradictions. The whole tract also assumes, and in several places states, the doctrine which one metaphysical school of our own days has developed so energetically, and maintains so vigorously—that the fundamental definitions of geometry, which regard a line as length without breadth, and a point as position without magnitude, etc., are merely fictions invented for special purposes, which we must on no account allow ourselves to regard as being real existences.

There never was a more consistent antagonist than Berkeley, to what the positivists of our own days mean by metaphysics. The following are a few examples chosen from a great number: 'Power, gravity, and words of that kind are employed more usually, and that not injudiciously in the concrete, to denote the motion in bodies, the difficulty in resistance, etc.; but when they are used by philosophers to signify natures distinct and abstracted from all these, which are neither objects of sense, nor can be figured by any power of mind or imagination, they are sure to produce error and confusion. . . . We generally suppose that corporeal power is something easily conceived. Those who have given more attention to the subject think otherwise.'

And after referring to the language of Torricelli and Leibnitz on the subject, he says: 'Thus must even the greatest men, when they give way to abstraction, have recourse to words having no certain signification, and indeed mere scholastic shadows. . . . Metaphysical abstractions . . . still give unnecessary trouble to philosophy. . . . As geometricians, for the sake of practice, devise many things which they neither themselves can contrive nor find in the nature of things, for the same reason those who treat of mechanics employ certain abstract and general words, and assume power, action, attraction, solicitation, etc., which are of the first utility for theories, enunciations, and computations concerning motion, although in actual truth, and bodies really, they are sought in

vain, as much as those things imagined by mathematical abstraction. . . .

‘What sort of extension is that which we can neither perceive by our senses nor figure in the imagination? for nothing can enter the imagination which from the nature of the thing is not possible to be perceived by sensation, since imagination is nothing else than a faculty representing the objects of sensation, either existing in act or at least being possible.’

As the ‘Tract concerning Motion’ is an illustration of the vigour and profundity of Berkeley’s intellect, the ‘Analyst’ exemplifies his passion for turning everything to an immediate practical purpose. Its title is ‘A Discourse addressed to an Infidel Mathematician, wherein it is examined whether the Object, Principles, and Inferences of the Modern Analysis are more distinctly conceived or more evidently deduced than Religious Mysteries and Points of Faith.’

Inasmuch as Berkeley’s Fundamental proposition in the ‘Tract upon Motion,’ and in other parts of his works, is that a great number of words, commonly in use amongst mathematicians, ought to be rejected, at all events, in the senses in which they were understood by those who used them, because they led to endless confusions and difficulties, it could hardly be called dexterous advocacy to say that matter of the same sort was to be found in theology.

To say in one breath that the word ‘matter’ is to be rejected from philosophy because its use introduces

every sort of difficulty, and in the next that the Christian mysteries are to be received because they contain nothing more repugnant to reason than the notion of matter which you receive, may no doubt be consistent as an argument *ad homines* ; but Berkeley himself was open, it would seem, to a most uncomfortable retort.

He says to the sceptic, If you believe in matter, why do you not believe in the Trinity? The sceptic might say to him, If you believe in the Trinity, why should you not believe in matter? If you reject the notion of matter because it appears to you unreasonable, why do you believe in the Christian mysteries unless you can reconcile them to reason? Berkeley, if consistent, would have been obliged to own, that a rational sense must be put upon the Christian mysteries before belief in them could be required, and from this we are inclined to think he would not have shrunk, much as such a conclusion might shock many of his successors.

Passing from the mathematical to the miscellaneous tracts and pamphlets, the first in order, and one of the most curious in substance, is the 'Sermon on Passive Obedience,' which was one of Berkeley's earliest works, and which in the then state of opinion interfered to some extent with promotion. Like everything that he ever wrote, it is a most powerful, consistent, and closely-reasoned argument in favour of the doctrine it was intended to support, which is that 'there is an absolute unlimited non-resistance or



passive obedience due to the supreme civil power wherever placed in any nation'; and this, according to the practice of his time, he proves exclusively upon grounds of reason, and without reference to the Bible.

He lays the foundation of his argument by stating his view as to the source of moral obligation generally, upon which his doctrine is identical with that which is developed with unequalled vigour by Austin, in his second lecture on the 'Province of Jurisprudence.' The guiding principle of our conduct is self-love, which leads us to procure good and avoid evil. 'It is a truth evident by the light of nature that there is a sovereign omniscient Spirit, who alone can make us for ever happy or for ever miserable.' If, therefore, God has given us any laws at all, we are under the highest possible obligation to obey them; but it follows, from the nature of God, that he has commanded men to promote, 'by the concurring actions of each individual,' 'the general well-being of all men, of all nations, of all ages in the world.'

The result of this is that such rules as are calculated to promote that object may be known to be laws of God. They derive their character of laws from the fact that God will enforce their observation by punishment. We know the fact that they, and no others, are the laws of God, because they, and no others, are conformable to the divine nature. In Berkeley's words, 'Nothing is a law merely be-

cause it conduceth to the public good, but because it is devised by the will of God, which alone can give the sanction of a law of nature to any precept.' But 'it must be allowed that the rational deduction of those laws is founded in the intrinsic tendency they have to promote the well-being of mankind.' It is true that in particular instances, thanks to the perversity of men, obedience to these laws produces great individual hardship; but still it is the best course to be taken, as the only alternative is the destruction of all law, in the proper sense of the word, and the substitution for it of individual calculations of the utility of particular courses of action in particular cases.

Having shown this, it is of course easy to prove that submission to the supreme authority is a moral duty, and to insist upon the various evils of anarchy. The sermon itself is less remarkable than the light which it throws upon Berkeley's character, and the illustration which it affords of the possibility of connecting opinions which many people are accustomed to regard as incompatible.

Utilitarianism in our times, for instance, is not the high Tory but the Radical doctrine; nor would it usually be regarded as consistent with such a system to hold such language as this: 'In morality the eternal rules of action have the same immutable, universal truth with propositions in geometry. Neither of them depend on circumstances or actions, being at all times and in all places without limitation

or exception true. "Thou shalt not resist the supreme civil power" is no less constant and unalterable a rule for modelling the behaviour of a subject towards the government, than to multiply the height by half the base is for measuring a triangle.'

Those who hold such views in our own times almost invariably connect them with the theory that we possess some transcendental faculty by which we are enabled to decide upon the nature and existence of these rules. To admit that the test of a law of God or nature is its tendency to produce universal happiness, is nearly, if not quite, equivalent to saying that no one law of nature or of God has ever been put into words with even proximate accuracy. It is fair to Berkeley to add that this sermon was one of the earliest of his works which attracted much attention. He appears to have fallen, throughout the whole of it, into the common mistake from which few writers are entirely free, which regards such short maxims as 'Thou shalt not steal,' 'Thou shalt do no murder,' as the laws of morality. They are in truth only the short titles of laws which, if written out completely, would fill volumes of casuistry, the contents of which would not only differ, but be conflicting with each other, and be founded on opposite principles.

The intensely high conception of authority, and of the duty of submission to it, which appears in the 'Sermon on Passive Obedience,' is still more vigorously expressed in a later publication, called 'A Dis-

course addressed to Magistrates and Men in Authority, occasioned by the enormous License and Irreligion of the Times.'

The immediate occasion of this discourse was the existence of a blasphemous society, called the Blasters, at Dublin. It is, however, like the discourse on Passive Obedience, so handled as to approach to the character of a treatise on one branch at least of general morality. The gist of it is that the regulation of opinion is the first duty of the civil magistrate, inasmuch as all the external actions of men are regulated by their opinions, and of all opinions the most important to civil society are the belief in a God and in a future state, inasmuch as 'obedience to all civil power is rooted in the religious fear of God. It is propagated, preserved, and nourished by religion.' Moreover, 'An inward sense of the supreme majesty of the King of kings is the only thing that can beget and preserve a true respect for subordinate majesty in all the degrees of power, the first link of authority being fixed at the throne of God.'

Nor does the fact that these opinions are, and in the case of the great mass of mankind must be, prejudices detract from their value. Prejudices are only opinions received upon trust, and not acquired by reasoning, and they may be true in the one case as well as in the other. In regard to things relating to moral affairs they must be true if they are useful. 'Utility and truth are not to be divided ;

the general good of mankind being the rule or measure of moral truth.' The civil magistrate, therefore, ought to prevent the prejudices of mankind upon these fundamental points of religion, from being disturbed. Thought indeed is free, and cannot be restrained, even if you wished to restrain it; 'but this will not infer a boundless freedom of speech, an open contempt of laws, and a prescribing from private judgment against public authority; things never borne in any well-ordered State, and which make the crying distemper of our times.' For this reason, 'Blasphemy against God is a great crime against the State.'

One part of the argument is very curious. It consists in insisting upon the special importance of religion in a highly artificial state of society, inasmuch as common people can hardly be expected to appreciate the advantages of such a state of things unless they are prejudiced in its favour by the strongest of all influences.

'There must therefore of necessity in every State be a certain system of salutary notions, a prevailing set of opinions, acquired either by private reason or reflection, or taught or instilled by the general reason of the public—that is, by the law of the land. . . . Many of those who are the most forward to banish prejudices would be the first to feel the want of them. . . . Some prejudices are grounded in truth, reason, and nature. . . . Others are purely the effect of particular constitutions; such are the respects,

rights, and pre-eminences ascribed to some men by their fellow-subjects on account of their birth and quality; which in the great empires of Turkey and China pass for nothing, and will pass for nothing elsewhere as soon as men have got rid of their prejudices, and learned to despise the constitutions of their country. It may behove those who are concerned to reflect on this betimes. . . . If religion in all governments be necessary, yet it seems to be so more especially in monarchies; forasmuch as the frugal manners and more equal fortunes in republics do not so much inflame men's appetites, or afford such power or temptation to mischief, as the high estate and great wealth of nobles under a king.'

This sermon is a most remarkable illustration of one of the many currents of feeling, which are to be traced in the literature of the eighteenth century. It is the voice of a man who still thinks it just possible to keep up a system, which is true in the sense of being generally useful, by a vigorous use of the civil power, and who has a genuine intellectual contempt for those who are trying to overthrow it, without seeing that in so doing they are overthrowing themselves. No one of Berkeley's writings gives a stronger impression than this, of that peculiar kind of orthodoxy which was characteristic of him, or of the essentially and almost exclusively practical and utilitarian turn of his mind. The last words of the sermon show, moreover, just one flash of that regulated and deep-seated but powerful vein of enthusiasm

which runs through the whole of his eminently sober, well-balanced character. 'Who knows what may ensue if all persons in power, from the supreme executor of the law down to a petty constable, would in their several stations behave themselves like men truly conscious and mindful that the authority they are clothed with is but a ray derived from the supreme authority of heaven !'

Two of Berkeley's sermons on foreign missions are remarkable rather as monuments of his personal piety, and unselfish practical zeal for religion, than in a literary or speculative point of view, and we need not further refer to them ; but nothing that he ever wrote is more characteristic of the sturdy, vigorous, pre-eminently practical character of the man than his various politico-economical tracts.

Three of these specially require notice—'An Essay towards Preventing the Ruin of Great Britain,' published soon after the collapse of the South Sea Bubble ; a pamphlet called 'A Word to the Wise,' addressed to the Roman Catholic clergy of Ireland ; and the 'Querist.' The gist of each of these three performances is much the same. They are in praise of industry, substantial honesty, and frugality, and in general they inculcate a plain, manly, solid, courageous way of life.

The 'Essay towards Preventing the Ruin of Great Britain' is in its way an admirable performance, though particular suggestions in it are certainly not in accordance with our modern notions, and

would do nothing but harm if an attempt were made to carry them out. For instance, his first recommendation is a crusade against infidelity: 'I am not for placing an invidious power in the hands of the clergy, or complying with the narrowness of any mistaken zealots who should incline to persecute Dissenters; but whatever conduct common sense, as well as Christian charity, obligeth us to use towards those who differ from us in some points of religion, yet the public safety requireth that the avowed contemners of all religion should be severely chastised, and perhaps it may be no easy matter to assign a good reason why blasphemy against God should not be inquired into and punished with the same rigour as treason against the King.'

The rest of the essay is a series of suggestions for the production of two somewhat inconsistent objects—the indefinite increase of the national wealth, and the diminution of luxury. In reality, the inconsistency, though real, is less than it appears to be at first sight, for all his suggestions lead towards the acquisition of real solid wealth by merit and industry, by sheer hard work in one form or other, and towards the discouragement of gambling in its various forms, and of useless expense. His recommendations are well worth study both as a monument of past times, and even to a certain extent on account of the intrinsic value which still attaches to them.

He recommends, first, a revision of the whole system of relief for the poor. 'There is,' he says, 'no country



in Europe where there is so much charity for the poor, and none where it is so ill managed.' If, instead of being locally jobbed, the poor-rate were raised by Act of Parliament for seven years, and 'frugally and prudently laid out in workhouses,' it 'would for ever free the nation from the care of providing for the poor, and at the same time considerably improve our manufactures.' A very sanguine view no doubt, but still founded on a just appreciation of a great evil—the local jobbery attending poor-rates. Suggestions are further made as to possible improvements in various trades—dyeing cloth, making glass, paper, linen, and the like.

Sumptuary laws as to dress and other things are strongly advocated, and amongst the offenders against modesty and decency in the way of living it is curious to find the following fierce denunciation of masquerades : 'Neither Venice, nor Paris, nor any other town in any part of the world ever knew such an expensive, ruinous folly as our masquerade. This alone is sufficient to inflame and satisfy the several appetites for gaming, dressing, intriguing, luxurious eating and drinking. It is a most skilful abridgement, the very quintessence, the abstract of all those senseless vanities that have ever been the ruin of fools and the detestation of wise men.'

The drama should be reformed, for 'it is not to be believed what influence public diversions have on the spirit and manners of a people.' Public spirit should be cherished by appropriate means : 'Triumphal

arches, columns, statues, inscriptions, and the like monuments of public services, have in former times been found great incentives to virtue and magnanimity, and would probably be found to have the same effects on Englishmen which they have had on Greeks and Romans. And perhaps a pillar of infamy would be found a proper and exemplary punishment in cases of signal public villainy where the loss of fortune, liberty, or life are not proportioned to the crime.'

Architecture, sculpture, and painting ought to be promoted, as they 'not only adorn the fabric, but have also an influence on the minds and manners of men, filling them with great ideas and spiriting them up to an emulation of worthy actions.' Public splendour he regards as a sort of corrective to private luxury. One of his observations on this head is curious: 'To propose the building a parliament house, courts of justice, royal palace, and other public edifices suitable to the dignity of the nation, and adorning them with paintings and statues which may transmit memorable things and persons to posterity, would probably be laughed at as a vain affair of great expense and little use to the public.'

Admitting that the proposal was unsuitable to the times, he adds, 'Yet it comes so properly into a discourse of public spirit that I could not but say something of it.' He also suggests an academy for the purpose of writing the history of England. In reference to our national vices he mentions 'that most

infamous practice of bribery,' and 'solemn perjury,' which he attributes to the monstrous quantity of oaths required by the English Legislature: 'It is a policy peculiar to us, the obliging men to perjure or betray themselves, and hath had no good effect, but many very ill ones. Sure I am that other nations, without the hundredth part of our swearing, contrive to do their business at least as well as we do.'

The whole discourse admirably illustrates that union, in Berkeley, of the classical and the Christian way of looking at life, which was the great characteristic of what is now foolishly depreciated as the high and dry school of Christianity. No doubt it had its weak side, like other forms of belief; but far less than justice has been done to what its professors justly delighted to call, its solid and rational piety, in the comparisons which have been instituted between them and the unmanly hysterics of more emotional schools.

The tract called 'A Word to the Wise' is perhaps a still more pointed illustration of Berkeley's temper. It is a model sermon on the virtue of diligence and the vice of sloth, addressed to the Roman Catholic clergy, who, as the most influential body of men in Ireland, are solemnly adjured to impress these plain truths on their congregations.

The sermon is like one of Hogarth's pictures: 'We are all agreed about the usefulness of meat, drink, and clothes, and without doubt we all sincerely wish our poor neighbours were better supplied with them.' The

Irish are utterly and incurably lazy. ‘You often meet caravans of poor, whole families in a drove, without clothes to cover or bread to feed them, both which might be easily procured by moderate labour.’ Let the priests look to it. ‘Raise your voices, reverend sirs. . . . Show your authority over the multitude by engaging them to the practice of an honest industry, a duty necessary to all, and required in all, whether Protestants or Roman Catholics, whether Christians, Jews, or Pagans.’

The penal laws, ‘the discouragements attending those of your communion,’ are no excuse for being idle. They are rather motives to work hard in the sphere still left open to industry. Besides, they affect the gentry more than the poor; yet ‘the true aborigines, or natural Irish, are noted for want of industry in improving even on their own lands whereof they have both possession and property.’ Even if they cannot be rich, ‘Yet it is certain they may be clean. Now bring them to be cleanly, and your work is half done. A little washing, scrubbing, and rubbing bestowed on their persons and houses would introduce a sort of industry, and industry in any one kind is apt to produce it in another. Indolence in dirt is a terrible symptom which shows itself in our lower Irish perhaps more than in any people on this side the Cape of Good Hope. . . . Mark an Irishman at work in the field; if a coach or horseman go by he is sure to suspend his labour, and stand staring until they are out of sight. . . . A sore leg is an estate to such a

fellow, and this may be easily got and continued with small trouble.'

It is not only the duty but the interest of the priests to preach this doctrine. 'Your reverences are like to be great gainers, for every penny you now gain you will gain a shilling; you will gain also in your credit, and your lives would be more comfortable.' It is absurd to suppose that religion has anything to do with the matter. 'Whoever considers the great spirit of industry that reigns in Flanders and France, and even beyond the Alps, must acknowledge this to be a groundless suspicion.' The Pope himself is encouraging trade and manufactures.

Can there be sounder, squarer, sturdier, or more solid good sense than this? which comes, be it remembered, from a man who has been absurdly regarded as a sort of archetype of metaphysical subtlety and whim.

The 'Querist,' is a beautiful tract, as full of thought and matter as it can hold. It consists of 595 short paragraphs, each of which asks one or more questions, the last being 'Whose fault is it if poor Ireland still continues poor?' Its doctrines, thrown into a substantive form, are somewhat as follows: Labour and industry are the great elements of wealth. Money of all sorts is only a system of tickets representing the produce of labour, and it might be replaced by paper. We ought therefore to establish a bank, and to develop industry in every possible way, instead of trying to get gold and silver.

But how is industry to be developed? The woollen trade is forbidden; let us then make fine linen of all kinds, let us encourage schools of design, which would make our fine linen far more valuable; let us make paper; let us closely unite ourselves to England. 'Are not the upper part of this people truly English by blood, language, religion, manners, inclination, and interest? Are we not as much Englishmen as the children of old Romans born in Britain were still Romans?' Let us cease to spend our substance in buying foreign luxuries, and live quietly on our own property.

The 123rd query sums up much of this advice: 'Whether one may not be allowed to conceive and suppose a society or nation of human creatures, clothed in woollen clothes and stuffs, eating good bread, beef and mutton, poultry and fish in great plenty, drinking ale, mead, and cider, inhabiting decent houses built of brick and marble, taking their pleasure in fair parks and gardens, depending on no foreign imports either for food or raiment? Whether such people ought to be much pitied? Whether Ireland be not as well qualified for such state as any nation under the sun? Whether in such a state the inhabitants may not contrive to pass the twenty-four hours with tolerable ease and cheerfulness? and whether any people upon earth can do more? Whether they may not eat, drink, play, dress, visit, sleep in good beds, sit by good fires, build, plant, raise a name, make estates, and spend them?'

In order to reach this ideal, let us forswear expensive wines, silks, and other mere luxuries ; let us vigorously cultivate literature, and provide education for all classes and religions ; let people marry from love, and not for money (207. 'Whether to the multiplying of human kind it would not much conduce if marriages were made with good liking?'); let the poor be taught by clergy and catechists who know Irish ; let the rich live at home and try to set the poor to work ; let us, at all hazards, make the people work.

This is powerfully enforced in the following queries, 380-386 : 'Whether it would be an hardship on people destitute of all things, if the public furnished them with necessaries which they should be obliged to earn by their labour? Whether other nations have not found great benefits from the use of slaves, in repairing high roads, making rivers navigable, draining bogs, erecting public buildings, bridges, and manufactures? Whether temporary servitude would not be the best cure for idleness and beggary? Whether the public has not a right to employ those who cannot, or who will not, find employment for themselves? Whether all sturdy beggars should not be seized and made slaves to the public for a certain term of years? . . . What the word servant signifies in the New Testament? Whether the view of criminals chained in pairs and kept at hard labour would not be very edifying to the multitude?'

It is worth notice that Berkeley had a theory of

race about the Irish to which he frequently reverts. He asks 'Whether our natural Irish are not partly Spaniards and partly Tartars; and whether they do not bear signatures of their descent from both these nations which is also confirmed by all their histories?'

These few illustrations may, we hope, give some notion of the character of one of the sturdiest and most sensible, and at the same time one of the most subtle thinkers, if not the very most subtle thinker, of the eighteenth century. As in the whole range of English literature hardly any name is held in more affectionate regard than Berkeley's, so there is none which illustrates in a more striking manner the best, and at the same time the deepest and most important, side of the English character. The sanguine, subtle, intensely practical, and almost over-logical character of the race was never more strikingly embodied. If Cobbett had been a good man and a gentleman, and if he had been educated as Berkeley was, they would have had much in common.



## IV

### TUCKER'S 'LIGHT OF NATURE'<sup>1</sup>

THERE are in the world a certain number of remarkable books which have a reputation only in small but influential classes. They are, for the most part, books which are not on the popular side, which are rather powerful than attractive, and which, for some reason or other, lie out of the general current of literature. Henry's *History of Britain*, for instance, is an excellent book, but it never got anything like the reputation of Hume's. The same may be said of Carte, whose Jacobitism effectually obscured the reputation due to his great qualities ; but it would be difficult to find a stronger illustration than is afforded by the book named at the head of this article.

Many people hardly know Tucker, even by name. Of those who do know him by name, few have read him ; yet he exercised a deep influence over men whose writings have, in their turn, exercised a deep and wide influence over more generations than one. Paley, for instance, in the introduction to his *Moral*

<sup>1</sup> *The Light of Nature Pursued.* By Abraham Tucker.

*Philosophy*, says : ‘There is one work to which I owe so much, that it would be ungrateful not to confess the obligation. . . . I have found in this writer more original thinking and observation than in any other, not to say in all others put together.’ And Dr. Whately, if we are not mistaken, spoke hardly less strongly on the subject.

Tucker was a Surrey country gentleman of large property, who had been educated at Oxford, and had afterwards studied law, though without any intention of practising. He lived a very quiet life, and never appears to have taken an interest in politics, or in any other public pursuit. From his childhood he had always been fond of morals and metaphysics, and when he was upwards of fifty years of age he began to put the reflections of his life into shape. The undertaking occupied him for nearly twenty years, when he died. The result was the *Light of Nature*, some parts of which were published during his life. The complete work, so far as it is complete, was published by his daughter after his death. So little did literary ambition enter into the author’s views that the fragments of the book published during his lifetime were published under a false name.

It certainly is by no means surprising that the *Light of Nature* should never have been a popular book. One edition of it fills six octavo volumes of a handsome size. Another, which is later and more economical, is compressed into two, but these two consist of no less than 1365 pages, of fifty-three lines

to the page and thirteen words to the line. Few readers care so much about moral and theological inquiries as to attack such a *pièce de resistance* as this, with anything like a serious intention of triumphing over its difficulties.

Nor is the enterprise in itself much worth undertaking, especially in the present day, except by a serious student of such subjects. The moral teaching of the book has passed into other forms, and is to be got in a condensed shape in Paley's *Moral Philosophy*. The metaphysics are little more than an expansion of Locke, with some special adaptations to Tucker's own mind; and the theology has never met with as much favour or notice as the good intentions of the author deserved. It relates to moral rather than to critical and historical inquiries. The style is very curious, though both powerful and picturesque. A gentle, innocent vein of gaiety runs through the whole of it, and bubbles over in a constant stream of good-natured old-gentlemanly gossip, not altogether unlike the style of *Our Own Correspondent*, or perhaps something between that and Montaigne. Notwithstanding all this, there are still reasons for reading Tucker's *Light of Nature* even in these days, and those who do discharge that task will get from the book itself something which they will hardly find anywhere else.

It has always been a favourite undertaking with men of a certain class to write, in some form or other, a good *Religio Laici*—that is to say, to contribute to

the solution of the great question, What is the view which a sensible man ought to take of this life and the next, apart from and independently of the special professional influence of churches and clergymen? On what principles, and to what extent, ought people in general to allow their lives to be affected by the sacerdotal view of life? This has been the object with the writers of nearly all the theological books, lay or clerical, which have exercised a wide influence over the world. It is a formula which describes not only such a book as Tucker's, or the writings of De Maistre, but Butler's *Analogy*, Pascal's *Pensées*, Montaigne's *Essays*, and even Augustin's *Confessions* and the *Civitas Dei*. The common purpose of all these, and of many other writings which might be named, is to address themselves directly, and not on technical or special grounds, to topics open to large classes of men, and apprehended by them as really urgent.

The way in which Tucker conceived and handled this great problem, is the really remarkable feature of this book, and constitutes its true claim to be remembered. It might, perhaps, be described mathematically as a formula for giving Christianity in terms of Locke. Tucker's fundamental assumption is the truth of the doctrine of Experience, and he undertakes to think out, from that basis, all the great problems of morality and religion.

The immense elaboration of the book makes it a difficult task to give any notion of it in a reasonable compass, but its general plan is simple, and a few of

its main positions may be readily indicated. Tucker seems to have viewed his immense undertaking as an attempt to answer the question, Why should men be moral and religious? This subdivided itself into three other inquiries, each of enormous extent. First, What is human nature, and how is it related to morality? Secondly, What is theology? Thirdly, How ought theology and morality put together to affect human conduct? The book is made up of answers to these vast questions.

The first question—What is human nature, and how is it related to morality? is answered by an elaborate analysis of the mechanism of thought and action. A most curious work it is, and one which it is hardly possible to exhibit on a small scale. The following, however, are some of its main features: The mind will be found, on careful examination, to possess one power—namely, will; one faculty—namely, imagination; and one capacity—understanding.

All mental operations may be resolved into one or other of these heads. Will is a mere power, and cannot, with propriety, be said to be either free or not, except in respect of being subject, or not subject, to external restraint. If you hold a man's hand down, he is not free to lift it; if you do not hold it down, he is free; but the choice whether or not he will lift it, is not, according to Tucker, a question for the will at all.

It is decided by the imagination, instructed by the

understanding. Thus, imagination and understanding make up between them, the whole of that part of our mental processes which precedes the actual moment of action. In understanding, the mind is passive; it receives from without a variety of impressions, the relations and character of which it perceives. In imagination, it is active, calling up a variety of ideas (Tucker avoids Locke's confusion in relation to this word by using it consistently in the one sense of mental images), which, when called up, are as much materials for the understanding as the impressions made by external objects. The play of understanding and imagination produces a vast number of compound operations, such as 'discerning, remembering, thinking, studying, contemplating, and a multitude of others.'

Some of the most important of these Tucker examines, in several cases with great felicity of expression, always with a wonderful power of illustration, and always also with originality. He goes, in particular, into the question of the association of ideas, though he does so upon a plan, and with a phraseology, of his own, differing to some extent from those which are commonly in use upon the subject.

The most remarkable of his doctrines is as to the nature of knowledge, or rather as to the degree of knowledge which man can attain. His conclusion, which is in perfect and obvious consistency with the fundamental principles of his theories, is that 'absolute certainty was not made for man, but that man is

so constituted as to do very well without it.' Though he does not say so in so many words, the legitimate inference from his views appears to be, that the last and highest assertion which human reason can make is, that a particular statement does, or does not, strikingly resemble the results of former experience, though there is no rule by which we may determine 'when the repugnancy of things to our common notions ought to make us reject them and when not.' He elsewhere observes, 'As well persuaded as I am that two and two make four, if I were to meet with a person of credit, candour, and understanding who should seriously call it in question, I would give him the hearing.'

Such are the ultimate results which can be produced by the play of imagination and understanding; but neither of them is born with us in its complete shape. Each is gradually acquired and brought to perfection by use; and each, as it grows up, and when it has grown up, is set to work, and kept at work, by external motives—the great dominant motive which is present always, and under every variety of shape, being that of obtaining satisfaction.

'Satisfaction' is one of the leading terms in Tucker's theory of human nature. It implies that the imagination is continually setting up one object or another—the removal of some uneasiness, the obtaining of some object of desire—and that this object is, for the time being, the guide of all our actions. But what kind of objects does the imagination set up?

This, of course, involves the whole question of pains and pleasures, to use Bentham's terms, or, to speak more generally, the question, What are the objects which we desire or avoid?

These objects are our motives of conduct; that is to say, they are the considerations which tend to show that such and such courses will produce satisfaction. They are innumerable, but may be arranged under four principal heads—namely, Pleasure, Use, Honour, and Necessity. The introduction of these various motives to the understanding and imagination, and the play of those faculties which they occasion, produce habits and passions which, says Tucker, 'I take to be only a stronger sort of habits acquired early in our childhood.'

The description of these various passions and motives takes up many chapters, which consist of theories—always shrewd and pleasantly illustrated, but rather tedious—of the way in which imagination and understanding, stimulated by the various motives, and exerting themselves according to the courses described in the chapters on the association of ideas and the like, come to produce hope, love, hatred, grief, etc. The necessity of solving such questions, in order to support by synthesis the correctness of his analysis, lies upon all analytical writers on human nature. The resource of skipping is fortunately open to their readers, and, unless they care very specially for the verification of their teacher's views, they are likely to avail themselves of it.



Having thus explained to his own satisfaction the general mechanism of the mind, Tucker proceeds, by steps which Paley and Bentham have since his time rendered familiar to every one, to resolve morality into a calculation of consequences. It is needless to dwell upon this, as the steps of the process are now as familiar as any part of speculation.

A single extract of a few lines will give the reader a pretty clear insight into the gist of perhaps a hundred huge octavo pages. The question being asked, Upon what merely mundane grounds ought a man, who has persevered in virtuous habits all his life, to do a virtuous act at the point of death, although it is very disagreeable?—Tucker answers, in substance, that though such a man would be under no obligation (in his sense of the word) to be moral, he would nevertheless have become (to use a phrase of Mr. Herbert Spencer's) organically moral; or, to use Tucker's own words: 'It does not necessarily follow that a man must quit the practice of virtue when he sees his dissolution approaching, for this will depend upon the turn of mind he has already taken. . . . When the glass is almost run out it is too late to think of taking up a set of fresh inclinations, but every one must be left to make the most of those he already possesses. But this very consideration will engage the man who has spent his days in a virtuous course to persevere in it to the last; not, indeed, now from obligation or expedience, but for the ease and pleasure he finds in pursuing an habitual track.'

What would Tucker have said to the case of a man in the full heat of passion and vigour, who knew he could not live for more than a very few years—too few to acquire the habit of virtue?

The second part of Tucker's work is devoted to theology. Are there any other considerations, drawn from a future state, which ought to affect our conduct here? The answer, of course, is that there are. For obvious reasons, we can notice only in the most summary way his views on this great subject, though the exposition of them undoubtedly forms by far the most curious and interesting part of the book.

He begins by a variety of physical arguments, which have now lost much of their interest, intended to prove that the 'mind has a being of its own distinct from that of all other things, and is a pure unmingled individual substance.' He then goes on to show that hence may be inferred its perpetual duration, and he argues for the existence of God on the usual grounds. He enters at great length, and with extreme ingenuity and precision of thought, into all the parts of the vast question, How must we suppose such a Being to be related to the world? and handles the subjects of Providence, the divine justice, free-will, the nature and duration of future punishments, and the like, in a manner which ought to be familiar to all who think seriously on such topics, though it would be too high a compliment to the general level of knowledge to suppose that it actually is familiar.

The general result of the whole is, that the facts

within our observation lead us to believe in the existence of a God who governs the world, but that they also lead to the conclusion that the differences between the operations of such a Being and those of human creatures is so enormously great, especially in regard to their scale, that there are many points on which we must be contented with ignorance.

There is no great novelty in this, but there is much novelty and originality in the use made of it. Tucker suggests a variety of possible future states which, as he supposes, would solve the moral difficulties of life. Why, for instance, should not the soul dwell in a sort of infinitesimally small presence-chamber with which the nerves communicate, and which at death is detached from the body, retaining the character which the man has impressed upon it by his habits of life, and which would constitute its reward or punishment? Why should not this vehicle wear out after a course of ages, and the soul pass into a common receptacle of souls, called the mundane soul, forming a sort of connecting link between the Creator and the world? And why, after countless ages, should not its turn come round to go again upon active service in this or some other world, where it would again begin the round of action and passion? The way in which such fancies may be made to explain some of the difficulties of life is obvious enough, and the notion is worked out in an imaginary vision, with great power of fancy, and delicacy of expression and description.

Like most of the principal moral and religious writers of the last century, Tucker considered natural religion as the necessary foundation of a belief in revealed religion. He accordingly discusses all the great moral problems connected with religion, which the human mind can state and in a certain sense solve, without revelation, before he approaches the question of the truth of Christianity. This discussion forms the subject of the third part of the book. Its general doctrine is that the Christian revelation was intended for the use of the world at large, and was therefore expressed in popular language, which those who are by nature obliged to think with greater exactness, are not only at liberty, but are under an obligation, to translate into a more scientific shape.

He says : ‘ I take religion to be distinguished from philosophy by having its principal residence in the imagination ; not that I mean to insinuate thereby that it is a thing imaginary, or the tenets of it arbitrary ; but a man may lay up in mind the discoveries of his understanding, and continue to use them after he has utterly forgotten the foundations whereon they were grounded. So likewise the produce of sound and solid reasoning may be inculcated into another who has not capacity to judge of them himself, and to him they will be mere persuasions of the mind, nevertheless they may prove of excellent service and necessary use to his conduct. And when we consider that these persuasions are to be calculated for general benefit, as likewise how few there are who could enter into

the grounds of them if laid open ever so carefully to their view, a man that has the good of others at heart will be content to find less of rational inference and connection than he would desire upon his own private account.'

He then proceeds at immense length to examine all the great doctrines of the Christian scheme, and to show that each of them has, so to speak, a rational and philosophical aspect. Tucker by no means explains away Christianity, or converts it into a theory which might be discovered by purely human means. On the contrary, he expressly says: 'I can muster up no arguments even to persuade myself that' the great Christian doctrines 'could ever have been reached by the strongest efforts of human reason.' He all along takes the fact of a revelation as proved, and, making that assumption, he tries with intense perseverance, and a really marvellous exhibition of some very great mental qualities, to see whether the doctrines so revealed do not convey a message to the reason of the few, as well as to the imagination not only of the many, but of the few also.

The result is a series of speculations, of which some, no doubt, have lost their interest, but which, in the main, are well worth not merely reading, but careful study. There are, in particular, a chapter on the Christian scheme which presents in a moderate compass the most characteristic part of Tucker's religious belief, and a chapter on Divine Services, or external religion, which gives his practical inferences. By

reading these two chapters—they fill only eighty-two very large and close octavo pages—any one may get a very fair general notion of the character of the whole book.

Such are the general objects of a book which, with greater energy and self-reliance on the part of its author, might have produced a most powerful effect on the world, and have won for him a high place amongst its instructors. The fault of it is that he worked at it too hard, thought over it too long, and was over-anxious to exhaust every conceivable collateral inquiry, and to anticipate every possible objection, before he took a single step in advance. The book was not begun till he was fifty-one years of age, and it was not finished when he died at sixty-nine. Only a few fragments were published during his lifetime.

The consequence is, that it is so hard to get at the kernel of the work that it is hardly known except to really studious persons. By severe compression, and rejection of collateral matters, it might have been reduced to the size of Butler's *Analogy*; and if it had been, there is great room for doubt whether it would not have been a book of the same sort of influence. Tucker is quite as profound as Butler, and uses language with at least as much precision, and he possessed a power of illustration of which Butler was altogether destitute. Indeed, it was this very power which diminished his influence. He wrote so well, and was so fond of writing, that he produced far too much. You cannot see the wood for the trees.

Paley called him diffuse, but it is in this sense only that he can fairly be called so. Each chapter by itself is thoroughly good, both in matter and in style. His diffuseness is rather unregulated luxuriance of thought than flabbiness. If he had been a clergyman, and had brought out his book in the form of sermons, he would have been as voluminous as Tillotson, and would have deserved and perhaps obtained as wide an influence. This is proved by the prodigious success of Paley's *Moral Philosophy*, which is nothing or little more than an adaptation of one limb of Tucker's book, and is cast, as all Paley's books are cast, in a far less satisfactory mould. It is far more technical, and fails to convey the impression which is derived from every page of Tucker's work—that it contains the real solution of real difficulties, which a real man found it necessary to his own peace of mind to remove.

If it be asked whether Tucker's solution of the great problems of morality and religion was either true or valuable, and whether the labour of his life did not leave such questions very much as it found them, the answer ought, we think, to be less discouraging than that which would usually be given. True as it certainly is that these great problems remain unchanged from millennium to millennium, it is by no means true that the thoughts of men respecting them remain unchanged. A progress as ceaseless, though not as fast, as that of physical science may be traced by attentive observers in moral and religious inquiries.

Even in the course of the eighty or ninety years which have passed since the *Light of Nature* was published, many of the matters discussed by Tucker have become obsolete. It would hardly be thought necessary in these days, by any writer on such subjects, to discuss the question of free-will, otherwise than in the most summary manner, or to devote many chapters to a discussion of the properties of substances, and to prove that the soul is an indiscerptible unit.

On the other hand, the whole question of the nature of the moral relations between God and man, and of the evidence on which, and the extent to which, religion is to be received and believed, is perhaps even more keenly debated now than it was then, and upon those subjects any one who has the necessary patience, may learn more from Tucker than from almost any subsequent writer. His views may be true or false, but they are always real and absolutely sincere. He was one of that very small number of men who are incapable of making intellectual compromises, and who utterly refuse to be satisfied with anything short of an explicit understanding with themselves. Whoever, therefore, turns his thoughts to the matters in reflecting on which Tucker spent his life, may be sure that he will find a view of the subject stated, which, whether true or not, is at all events perfectly intelligible, and which, as a matter of fact, did actually satisfy the moral and religious wants of a most honest, inquisitive, and able man eighty years ago, and did furnish him with a practical guide for his



conduct. It is because, and in so far as, they have done this, that all great religious writers, from St. Augustin downwards, have had a hold on the world.

It must, however, be admitted that the sort of temperament which Tucker's book is likely to influence is a very rare one. In order to enjoy it thoroughly, a man must unite a deep and genuine sense of religion, to the most determined unflinching reliance on reason. He must, on the one hand, be so open to religious influences, as to be thoroughly determined on giving them their due weight in the course of his life; and, on the other, he must be so determined to tread on the solid ground, and not on mists however beautiful, as to examine every proposition submitted to him with a scrutiny as keen and impartial as that of the coolest man of science. This is perhaps the rarest of all tempers of mind, but when it does occur it is also perhaps the highest. Probably no one ever possessed it fully; but Tucker made a considerable approach to it, and the result is that he has worked out what may be called a reasonable religion, though it is so elaborate and so much qualified and guarded that hardly any one but himself would have the patience to understand and to hold it.

For common people, a far simpler, shorter, and more peremptory exposition of his principles would be required. If it could be made, with the modifications which the discoveries of the last century require, it would be one of the most useful and popular books in the world, for it would exhibit the outline of a system

of religion at once rational, cheerful, and of practical use. In order to appreciate the importance of this, we have only to remember how often the views of religion presented to the world in the present day are either rose-coloured dreams, resting on no proof at all, except their conformity to the feelings of those who put them forward, or hideous nightmares, which we are told we must accept as true, though it is at least as likely that they are false, because they form the only refuge from an utter darkness, supposed to be more frightful still.

## V

### PALEY'S 'EVIDENCES'<sup>1</sup>

PALEY'S *Evidences* and Butler's *Analogy* are often, and not altogether unjustly, regarded as typical of two great schools of English theology, and, in particular, as typical of the two Universities to which their respective authors belonged. Of Butler we have already spoken, and we now propose to consider Paley, whose labours appear to us to have fallen into very unmerited contempt, although attentive observers may trace signs of their regaining, in a modified shape and with alterations, the influence which they undoubtedly deserve.

The differences which the popular commonplaces on the subject would generally recognise between Butler and Paley, turn a good deal on the character of the two men. Butler, every one will admit, was not merely a good but a holy man. To us, at least, it appears altogether impossible to read his books,

<sup>1</sup> *A View of the Evidences of Christianity.* By William Paley, D.D., Archdeacon of Carlisle.

and especially the best of his sermons, without arriving at that conclusion; but the sincerity of Paley's religion has frequently been questioned.

Thus, for instance, the same sentiment would generally be expressed by saying that Paley was cold-hearted, that he held a brief for Christianity, and wrote as a lawyer would speak, not for conscience' sake, but for his fee or at best for his own side. This appears to us to be altogether unjust. We believe Paley to have been emphatically a good and a sincerely religious man. There is nothing dishonourable in his private life, and it is certain that if he had condescended to throw rather more passion into his writings, and to be less candid and sincere than he actually was, he might have stood more fairly for promotion, though it must be remembered, to the honour of the Church of England of that day, that many of its writers showed a degree of high-bred courtesy, candour, and calmness, in dealing with opinions radically opposed to their own, which are far less common at present.

Such writers as Hey, Watson, Marsh, Paley, Horsley, and others who might easily be named, had many qualities both literary and moral in which their representatives in the present day are most deficient. To be able to express clear and weighty thoughts in perfect English, to write on the most exciting topics with entire calmness, to be able to state strong objections fully, and deal with them plainly and shortly, and to be able also to abstain from irrelevant

expressions of feeling when the question of feeling does not arise, are gifts which imply the possession of considerable moral as well as intellectual qualities, and they are gifts which Paley and his school possessed in the rarest perfection.

If it be said that they, and in particular that he, showed very little religious feeling, this appears to us, in the first place, to be by no means true. It is true that there are in Paley comparatively few exhibitions of the tender religious emotions, but tenderness is by no means the only emotion which sincere religious belief is calculated to excite. Paley was obviously a cheerful sanguine man, naturally disposed to enjoy himself and take a bright view of things. This appears as conspicuously in all his writings as the contrary disposition does in Butler's, and upon this disposition his religion would appear to have superinduced a certain calm, reverential, sober regard for the order of things in which he found himself, which is at once pious and cheerful.

It is impossible to read his works with common candour without being satisfied that he did firmly believe in a good God, the moral ruler of the Universe, and in a future state, the existence of which had been miraculously attested. He not only believed this, but believed it with a warmth and joy all the more impressive because it is not very often expressed.

Here and there, however, it breaks out, as, for instance, in the fine passage with which the *Evidences* conclude: 'Of what a revelation discloses to mankind,

one and only one question can properly be asked—Was it of importance to mankind to be better assured of? In this question, when we turn our thoughts to the great Christian doctrine of the resurrection of the dead, and of a future judgment, no doubt can possibly be entertained. He who gives me riches or honours does nothing; he who even gives me health does little in comparison with that which lays before me just grounds for expecting a restoration to life and a day of account and retribution, which thing Christianity hath done for millions. . . . This hypothesis, therefore, solves all that objection to the divine care and goodness which the promiscuous distribution of good and evil (I do not mean in the doubtful advantages of riches and grandeur, but in the unquestionably important distinctions of health and sickness, strength and infirmity, bodily ease and pain, mental alacrity and depression) is apt on so many occasions to create. This one truth changes the nature of things, gives order to confusion, makes the moral world of a piece with the natural.’

Surely the man who wrote this was not coldly insensible to the great leading truths of religion, and, if he was an advocate, was at least one who believed in and had an affection for his cause. Yet so general is the neglect into which Paley has fallen, and so much is he undervalued, that we are tempted to transcribe a passage from his sermons, which shows how strong a vein of manly simple piety ran through his character.

Speaking of levity in relation to religious affairs, he says: 'Surely human life wants not materials and occasions for the remedying of this great infirmity. Have we met with no troubles to bring us to ourselves? No disasters in our affairs? No losses in our families? No strokes of misfortune or affliction? No visitations in our health? No warnings in our constitution? If none of these things have befallen us, and it is for that reason that we continue to want seriousness and solidity of character, then it shows how necessary these things are for our real interests and for our real happiness; we are examples how little mankind can do without them, and that a state of unclouded pleasure and prosperity is, of all others, the most unfit for man. It generates the precise evil we complain of, a giddiness and levity of temper upon which religion cannot act. It indisposes a man for weighty and momentous concerns of any kind; but it most fatally disqualifies him for the concerns of religion. That is its worst consequence, though others may be bad. I believe, therefore, first, that there is such a thing as levity of thought and character upon which religion has no effect. I believe, secondly, that this is greatly cherished by health, and pleasures, and prosperity, and gay society. I believe, thirdly, that wherever this is the case, these things which are accounted such blessings, which men love and envy, are in truth deep and heavy calamities. For, lastly, I believe that this levity must be changed into serious-

ness before the mind infected with it can come to God ; and most assuredly true it is that we cannot come to happiness in the next world unless we come to God in this.'

There is a pathetic dignity about this which would hardly be found in the writings of a man who was not in his own way sincerely religious, although his religion might, and no doubt did, take a peculiarly sober form, and, in so far as it was a matter of feeling at all, consisted rather in a feeling of awe and responsibility than in a feeling of personal affection for the object of worship. To feel the existence of a supernatural sanction of morals is just as much a feeling as that sort of ardent personal love for unseen beings which is the keynote of all kinds of mysticism ; and to say that a man is unfeeling because he has one set of feelings and not the other is an abuse of language.

Passing from the general question of Paley's personal character to the more restricted question as to the value of his principal work, we think that as little justice has been done to the one as to the other. The *Evidences* were for a long time popular to the highest degree, and were supposed to be unanswerable. They obtained the questionable advantage of being made a University text-book, the result of which was that half of the imperfectly educated classes supposed that they understood the work. Gradually a notion prevailed that they were fit for nothing better than the position of a text-



book, that they were shallow and unphilosophical, and had been answered; and thus, whilst the book retains a certain sort of popularity, its real character and value have fallen very much out of sight.

We firmly believe that nothing has done more to discredit Paley's *Evidences* in public estimation than the accidental recollection, which sticks in the minds of most of his readers, of a particular illustration used for a special purpose, which, moreover, is extremely likely to be misunderstood. In the introductory remarks in which he replies to Hume's *Essay on Miracles*, he says that he will try the value of 'Mr. Hume's theorem' 'upon a simple case,' and he then adds: 'If twelve men whose probity and good sense I had long known should seriously and circumstantially relate to me an account of a miracle wrought before their eyes, and in which it was impossible they should be deceived; if the governor of the country, hearing a rumour of this account, should call those men into his presence, and offer them a short proposal either to confess the imposture, or submit to be tied up to a gibbet; if they should refuse with one voice to acknowledge that there existed any falsehood or imposture in the case; if this threat were communicated to them separately, yet with no different effect; if it was at last executed; if I myself saw them one after another consenting to be racked, burnt, or strangled, sooner than give up the truth of their account, still, if Mr. Hume's rule be my guide, I am not to believe them. Now I under-

take to say that there exists not a sceptic in the world who would not believe them, or who would defend such incredulity.'

This graphic illustration, occurring as it does at the very beginning of the book, and sticking by force of style in the memory, suggests the inference that Paley asserted that the evidence of the truth of Christianity was that the twelve Apostles had been put to death for asserting it. The late Mr. Conybeare, in one of his clever novels about scepticism, gives an account of the way in which the hero was puzzled in the early stages of his phases of faith, by being asked who were 'Paley's twelve men.' Of course much more elaborate reasons for belief than those suggested by Paley were afterwards given, but it was assumed that this and other criticisms of the same sort effectually disposed of Paley.

Such an illustration shows that the person who made it had a very imperfect recollection of his Paley. The truth is that Paley's *Evidences* were, so to speak, the last word of a controversy, far deeper and wider and better informed than most people in the present day usually suppose it to have been; and that, though certain parts of the book are open to great and just objections, while certain other parts have become more or less obsolete in consequence of the general advance of critical knowledge, it is nevertheless a most powerful book, and can by no means be disposed of by the remark, that Paley

exaggerated the number of his witnesses and the cogency and directness of their evidence.

Like the rest of Paley's writings, the *Evidences* are a *résumé* of a vast deal of less successful literature. From the time of Grotius downwards, the question had been handled by all manner of writers, and Lardner in particular heaped together in eleven huge volumes an enormous mass of materials which, amongst other things, Paley made use of. Indeed, any one who reads the book, with anything like a competent knowledge of the controversies of the eighteenth century, will have occasion to observe, that its most remarkable feature is the high level of knowledge from which Paley sets out. One great merit of the book is, that its author had read and thought so much on the subject which he handled, that he takes the matter up at the very highest point which it had then reached, and makes just the sort of observations which, in that stage of the controversy, were likely to be most effective with well-instructed general readers.

The great difference between Paley and the later writers who are now in fashion is, that he writes professedly as a controversialist, maintaining special propositions, which he states with the greatest care and proves point by point, instead of writing merely as an historian, trying to appreciate and revive the events of a past age. Each method has its advantages, and we are a little apt, in our passion for understanding and describing past ages, to underrate the importance of establishing specific propositions. The number of

unsupported conjectures, of omissions of inconvenient passages, of determinations to put a nineteenth-century construction upon sayings and doings of a different age in the world, which we meet with in such books as *Ecce Homo*, or M. Renan's works, lead us sometimes to regret the precision, the measured language, and even the affectation of understating his case, which occur in every page of Paley.

The essential character of the *Evidences* has been frequently overlooked, but there is no excuse for overlooking it, because Paley has thrown it into the form of an express proposition, which is reprinted at the head of each of the first nine chapters of his book. This proposition is 'That there is satisfactory evidence that many professing to be original witnesses of the Christian miracles passed their lives in labours, dangers, and sufferings, voluntarily undergone in attestation of the accounts which they delivered, and solely in consequence of their belief of those accounts; and that they also submitted, from the same motives, to new rules of conduct.'

Paley does not say, it will be observed, that twelve men laid down their lives in attestation of the Christian miracles, but that we have evidence that a number of persons, professing to be original witnesses, did assert the truth of the Christian miracles at the expense of danger and suffering; and this is a very different thing. He carefully avoids the statement so often attributed to him, because he knew it was not capable of being proved, and he substitutes for

it one, in favour of which there most assuredly is strong evidence, though we do not know whether it can be regarded as perfectly satisfactory—that is, as conclusive in relation to every branch of the complex proposition which it is meant to prove.

Paley knew perfectly well, though not in as much detail as we in the present day know it, how much controversy might be raised about the dates, the authorship, and the circumstantial accuracy of the four Gospels as we have them, and for that reason, no doubt, he is careful to lay an independent foundation for his argument. His first eight chapters all go to prove that, whatever opinions may be entertained on these subjects, it is perfectly certain that the Christian religion did make its appearance in the world at the date usually assigned to it, that its author was put to death, that his followers were persecuted at Rome and elsewhere within thirty-five years of the Crucifixion, and that, from the very earliest times of which we have any account at all of the subject, the main outline of the Christian religion was what it now is.

Or, to use his own admirable language—language which in itself is a title to fame, whatever may be the value of his arguments: 'These four circumstances—first, the recognition of the account in its principal parts by a series of succeeding writers; secondly, the total absence of any account of the religion substantially different from ours; thirdly, the early and extensive prevalence of rites and institutions which result from our account; fourthly, our account bearing

in its construction proof that it is an account of facts which were known and believed at the time—are sufficient, I conceive, to support an assurance that the story which we have now is in general the story which Christians had at the beginning. . . . And if our evidence stopped here we should have a strong case to offer; for we should have to allege that in the reign of Tiberius Cæsar a certain number of persons set about the attempt of establishing a new religion in the world, in the prosecution of which purpose they voluntarily encountered great dangers, undertook great labours, sustained great sufferings, all for a miraculous story which they published wherever they came, and that the resurrection of a dead man whom during his life they had followed and accompanied was a constant part of this story. I know nothing in the above statement which can with any appearance of reason be disputed, and I know nothing in the history of the human species similar to it.’

All this, and the argument of which it is the conclusion, is perfectly independent of all critical questions whatever about the New Testament, and so long as the subject is made the subject of controversy at all, it will always be the great argument in favour of the truth of Christianity. There may be ways of accounting for its prevalence without admitting its truth; but the great argument for its truth is, and always will be, that it was published to the world as true by persons who underwent great persecutions for the

sake of it, and of whom some at least must have had personal knowledge of its falsehood if it was false. The praise to which Paley is entitled is that he brought out this fact with marvellous point, force, and neatness, and that he saw the importance of stating it in such a way as to keep it clear of all questions of critical detail.

The detailed criticisms which follow as to the authority and authenticity of the four Gospels, and as to their independence, are certainly less happy, and their conclusions are much more disputable. In particular, there is a chapter, abridged from Lardner, giving eleven arguments (Cambridge men will no doubt remember the old jingle of the *memoria technica*—

Quoted—sui generis—vols—titles—publicly—comment—  
Both sides—without doubt—condemned—catalogue—apocryphal)— -

to prove the authenticity of the New Testament books as we have them, which displays a singular want of appreciation of the fact that Lardner refers to no direct specific mention of the Gospels before Irenæus, near the end of the second century.

The Second Part of the *Evidences* appears to us much inferior to the First Part. Some of the chapters, indeed, afford abundant evidence of their author's extraordinary ingenuity and keenness of observation, qualities which he exercised with conspicuous success in his most characteristic, though not his greatest, book—the *Horæ Paulinæ*. One of

these chapters (chapter viii., on the History of the Resurrection) produces almost a painful effect, by the way in which it applies exceeding cleverness to a subject which it is not altogether pleasant to see cast into the *nisi prius* crucible. It is an amplification of the question, 'What account can be given of the body upon the supposition of enthusiasm?'

The way in which this subject is pressed, and worked backwards and forwards, excites a strange mixture of feelings. It is impossible not to admire Paley's extreme cleverness, but a sense of incongruity mingles with one's admiration, and, after all, the remark suggests itself that the accounts which we have, are so short and summary, that it is impossible to insist upon details. A popular preacher once dwelt at length on this subject to a fashionable audience, contrasting, with great satisfaction to himself, the improbability of the statement 'currently reported amongst the Jews,' with the statement of the Apostles themselves. He altogether forgot to observe that we have not got the Jews' account of the subject, but only the Apostles' version of the Jews' account of it, which is not the same thing. Paley falls into the very same error, which is an unusual piece of carelessness with him.

The great defects of the whole book, and especially of the second part of it, are well illustrated by two chapters, one on Christian Morality, and the other on the view which the early Christians themselves took of the subject of miracles. In his chapter on Chris-



tian Morality, Paley contrasts the Christian and the heroic character, and goes so far as to say that though heroism may be advantageous on particular rare occasions, quietness, passive submission, renunciation of the world, and other such qualities, give far less trouble and are less calculated to disturb the common course of events, and so are, in reality, the more admirable qualities, and ought to be esteemed accordingly.

This chapter has always seemed to us the worst and most ignoble performance that can be pointed out in any book which can in any sense of the word be called great. It is essentially mean, and it is closely connected with an observation which the whole tone of the book suggests, though it would not be easy to quote any particular passage to prove it. It is that Paley nowhere gives the least indication, of his being sensible of the fact, that the moral beauty of Christianity, and the personal influence and character of its founder, would of themselves, and quite apart from the question of miracles, exercise a prodigious influence over the first Christians.

He is constantly asking what motive the first disciples could have had for running such risks and taking so much trouble, unless they had seen miracles worked which fully satisfied them that it was their interest to do so. It never seems to occur to him, that they had the very strongest motive known to human nature — namely, passionate love and enthusiastic devotion, excited by a wonderful manifestation of that

type of goodness which exercises the most powerful effect on most of those who are capable of being much influenced by sympathy. It is not quite easy to forgive him for missing this evident truth, in his anxiety to give proof that would satisfy a court of justice of the fact of miracles having been performed ; but this ought not to blind people, as it often does, to the real force of his argument, which we think is greater than it is usually supposed to be, notwithstanding this defect.

His observations on the small importance which the early Christians appeared to attach to the whole question of miracles are closely connected with this moral obtuseness. It never seems to occur to him that there was, or indeed could be, much difference between Englishmen in the end of the eighteenth, and Jews in the middle of the first century. His argument all along is continually built upon the assumption that the twelve Apostles were a sort of special jury, as much accustomed to the rules of evidence, and as fully determined never to believe any fact whatever without judicial proof of it, as Lord Thurlow or Lord Ellenborough. The reason why they did not make more of the argument of miracles, he says, was because the prevalent belief in magic disinclined the Pagan world to pay attention to it. Hence they insisted upon other topics better suited to their taste. How far they themselves shared in the views of the Pagan world, and especially how far they were superior to their neighbours, in the

critical investigation or appreciation of facts, is a question of first-rate importance, but it is one which Paley either avoided designedly, or which he did not appreciate in its full strength and importance.

These, no doubt, are great defects, and, when joined to the critical imperfections of the book, may account for, and to some degree justify, the decline of its popularity. But they are also defects of which the temper of our own generation is likely to exaggerate the importance, and they ought never to lead us to forget the solidity of the principal part of the argument, the extreme acuteness which every part of it displays in almost too great profusion, and, above all, the exquisite and masterly style in which it is written—a style which shows not merely the possession of wonderful literary power, but the consciousness of addressing a critical, well-instructed, and deeply-interested audience, already well acquainted with the main points of the subject. The more the theological and moral discussions of the eighteenth century are studied, the stronger will be the impression received, not merely of their depth and importance, and of the extraordinary ability of the disputants, but also of the keen and profoundly intelligent attention with which a great mass of readers must have followed the debate. The pleadings of advocates give a good measure of the intelligence of juries; and the thoroughness, the calmness, and the plain straightforward emphatic vigour, both of the believing and of the unbelieving writers of that

day, give us a feeling of envy when we turn to them from the diffuse, heated, inconclusive declamation and picturesque Scriptural renovations of our own age. With all its defects, Paley's *Evidences* is worth a cart-load of *Ecce Homos*.

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## VI

### THE WORKS OF BURKE<sup>1</sup>

IN the whole range of English literature there is no name which can be put upon precisely the same level with that of Burke. He is the one Englishman who has succeeded in attaining first-rate eminence both in politics and in literature by one and the same set of writings. We have great statesmen and great writers, and of our many literary statesmen, some few persons have combined the two characters, but hardly any one except Burke has given to his Parliamentary speeches and political pamphlets a literary form which has secured to him and to them a prominent place in the permanent literature of the country.

Burke, moreover, is one of those writers with whom almost every one is to a certain extent acquainted. There are passages in the *Reflections on the Revolution in France*, and in the *Letter to a Noble Lord*, which are perhaps as well known as almost anything in English prose; but there is also a good deal of *terra incognita* in his works. He is generally read in snatches, and

<sup>1</sup> *Works of the Right Hon. Edmund Burke.* 12 vols. 1815.

probably comparatively few persons take the trouble to go straight through his works in their chronological order. It is, however, well worth while to do so, as such a process gives a far better notion of the man and of his writings than is to be obtained in any other manner. We propose to give a short sketch of his writings, in the order of their publication, and also to extract from them and to discuss a few of the more important of the doctrines which he preached, in different forms, with so much effect and pertinacity, for nearly forty years.

The earliest of Burke's works is his parody of Bolingbroke, called the *Vindication of Natural Society*. The book is written with the double object of parodying Bolingbroke's style, and of suggesting an argument which may be used to answer a good many of his theories: 'The design was' (says Burke) 'to show that, without the exertion of any considerable force, the same engines which were employed for the destruction of religion might be employed with equal success for the subversion of government, and that specious arguments might be used against those things which they who doubt of everything else will never permit to be questioned.'

No one, he thinks, will deny the advantages of civil society, yet something may be said to show that savage life is superior to it. The pamphlet itself is rather long for a parody, as it fills about eighty pages. It is no doubt a vigorous imitation of Bolingbroke's style, but, inasmuch as no one ever wrote more purely

or more powerfully, the attempt to parody it is strange and pointless.

The parody of Bolingbroke's mode of thought is better, but the whole subject is too grave to be treated to advantage in such a manner. Elaborate and intentional sophistry, just sufficiently plausible to give some little trouble to any one who tries to unravel it, is tiresome, however artfully it may be constructed. The course of the argument is to show, first by an account of the various ravages of war, and then by a specification of the evils of various forms of government—monarchy, aristocracy, democracy, and the form in which the three are mixed—that civil government in all its shapes is an evil in comparison with natural society. This is supported by arguments showing how the laws, for the purpose of instituting which civil society was founded, become themselves a source of oppression by reason of their obscurity and intricacy; how the distinction between rich and poor is the source of innumerable sufferings, both to the poor, who undergo all sorts of hardship and privation, and to the rich, who are exposed to all manner of moral corruption. The whole ends by a parallel between politics and theology. Theology the supposed writer and his correspondent agree in rejecting because of the absurdities which it involves. Must we not, he asks, in consistency, go a step further and reject civil society?

The blots in the argument are that no plausible account is given of the evils of what the writer calls

Natural Society, that the benefits of civil society are left practically out of account, and that no attempt is made to show that the evils connected with it cannot be remedied. This destroys the plausibility of the argument, and therefore the merit of the parody.

Several points, however, are handled in a very striking way. In particular, the defects of the British Constitution, and of the law of England, are painted with extreme vigour. A form of government compounded of monarchy, aristocracy, and democracy must of necessity be extremely complicated. The powers of the several parts must be indeterminate and apt to conflict. Each part preserves its own characteristic faults, and party government, with all its evils, is a necessary result. The technicality and the obscurity of the law, and its haste and cruelty in criminal cases, are also most vigorously described.

Indeed, there is nothing absurd in the whole essay except the omissions, and the conclusion which it is impossible to believe that Bolingbroke could ever have drawn, and which is not really parallel to his conclusions as to theology, if it were worth while to discuss the matter. There is one curious passage which may be noticed: 'I have somewhere called this earth the Bedlam of our system. Looking now upon the effects of some of those fancies, may we not with equal justice call it likewise the Newgate and the Bridewell of the universe?' Berkeley, Baxter, and Voltaire have said the same in the most solemn earnest.



Next to the parody on Bolingbroke comes the famous *Inquiry into the Origin of our Ideas of the Sublime and Beautiful*. Besides its inherent merits, it is remarkable as being the only regular treatise on a general subject to be found in all the volumes of Burke's works. Its interest appears to us to lie rather in the light which it throws on the character of the author's mind than in its intrinsic merits; for though some of the detached speculations which it contains are curious and interesting, it is difficult to regard the general doctrine of the book as anything more than a rather arbitrary attempt to fix the meaning of two words, which are in fact used very vaguely, and in different senses, by different people at different times. The systematic and vigorous, though in our opinion radically unsatisfactory, way in which the discussion is conducted is the most remarkable part of it.

The introductory Essay on Taste defines taste as 'that faculty, or those faculties, of the mind which are affected with, or which form a judgment of, the works of imagination and the elegant arts.' The imagination is said to be one of the three powers of the human mind, the other two being the senses and the judgment. It is afterwards more fully described as 'a sort of creative power,' which operates 'either in representing at pleasure the images of things in the order and manner in which they were received by the senses, or in combining those images in a new manner and according to a different order.'

To define taste as forming a judgment on all these things, is certainly to give the word an unusually wide extension. However this may be, tastes, according to Burke, do not differ. 'It is probable that the standard both of reason and taste is the same in all human creatures.' All people think sugar sweet, and sweetness pleasant. Abnormal tastes are only the result of an habitual search for what every one agrees in liking. No one likes the actual taste of tobacco, though 'it is the delight of Dutchmen, as it diffuses a torpor and pleasing stupefaction.' All tastes are either the same, or could be made the same by instruction. If it were worth the trouble, 'the logic of taste, if I may be allowed the expression, might very possibly be as well digested, and we might come to discuss matters of this nature with as much certainty, as those which seem more immediately within the province of mere reason.'

The tobacco illustration is a remarkably unlucky one. The strongest argument against Burke's thesis is to be found in the fact that tastes change, not only in individuals, but in nations; and the increased taste for narcotic stimulants is as striking an illustration as could be given.

Passing from the question of taste to the main subject, Burke begins with a general inquiry into the nature of the passions. He prefaces it by a distinction between positive pleasure and delight, which he strangely defines as 'the sensation which accompanies the removal of pain or danger.' He

then, in a succession of chapters, develops the following theory: The passions may be classified with reference to their final causes, which are self-preservation and society. The passions which belong to self-preservation turn on pain and danger. The presence of pain or danger is simply painful, but when we think of them as absent, we feel delight, and whatever excites this delight is sublime. The passions which belong to society belong either to the society which exists between the sexes, or to the general society which exists between all men and all other animals. These passions are love, with or without the sexual element. The object of love is beauty. The passions of sympathy, imitation, and ambition are also social, and are excited both by the sublime and by the beautiful.

Having laid this foundation, he proceeds to examine the conditions which are favourable to sublimity. 'Terror is in all cases whatsoever, either more openly or latently, the ruling principle of the sublime.' Hence obscurity is sublime, on which Burke characteristically observes: 'Great clearness helps but little towards affecting the passions, as it is in some sort an enemy to all enthusiasms whatsoever.' He adds afterwards, 'To see an object distinctly, and to perceive its bounds, is one and the same thing. A clear idea is, therefore, another name for a little idea.' Power is sublime because it terrifies. 'Love approaches much nearer to contempt than is commonly imagined.' Vastness and darkness, huge sounds, such as the shout-

ing of a multitude, things sudden and unexpected, cries denoting pain or danger, are elements of sublimity. He oddly observes, 'No smells or tastes can produce a grand sensation, except excessive bitters and intolerable stench.' According to this, a man tasting strychnine in a sewer would be in a sublime situation.

From the sublime he passes to the beautiful, which, he contends, does not consist in proportion or fitness—a doctrine maintained, amongst others, by Berkeley, to whom there are several tacit references in different parts of the treatise. His objection to this doctrine is that, though the proportions laid down as causes of beauty in the human body are frequently found in beautiful bodies, they are also found in bodies not beautiful; that beauty is found apart from them; and that where they co-exist, other conditions are present which are also present where beauty is found without these proportions.

On similar grounds he refutes the notion that utility or perfection is the cause of beauty, and he proceeds, in strict accordance with the whole tenor of his theories on all subjects, to add that beauty cannot be described as a property or test of virtue. 'This loose and inaccurate manner of speaking has therefore misled us both in the theory of taste and of morals, and induced us to remove the science of our duties from their proper basis (our reason, our relations, and our necessities), to rest it upon foundations altogether visionary and unsub-

stantial.' He concludes from all this that 'beauty is for the greater part some quality in bodies acting mechanically upon the human mind by the intervention of the senses.' The physical qualities which produce beauty are comparative smallness, smoothness, variety in the direction of the parts (the neck or bosom of a woman), the absence of angularity, delicacy of frame without any remarkable appearance of strength, soft but clear and bright colour, variegated if glaring.

The next inquiry is why these various causes produce a sense of sublimity or of beauty. Why does vastness, for instance, produce the idea of sublimity? A great number of ingenious answers are given to the questions which this inquiry suggests. For instance, darkness produces sublimity, because, causing helplessness, it causes terror. It is terrible too in its own nature, as is proved by the uneasiness which the boy born blind and couched by Cheselden showed when he first saw a black object; and this Burke supposes may be caused by the effect of the absence of all light upon the nerves of the eye. Beauty, on the contrary, 'acts by relaxing the solids of the whole system,' which relaxation produces 'the passion called love.' The other properties which produce sublimity or beauty are analysed in the same way.

The last subject of inquiry is how words produce the idea of beauty or sublimity, and act upon the passions. It is obvious enough that in this inquiry Burke followed the lead of his countryman and the

glory of his college, Berkeley, in one of his deviations from Locke. The object of the whole is to show that words affect the mind, not because they raise distinct images in it, but because 'they are sounds which being used on particular occasions, wherein we receive some good or suffer some evil, or see others affected with good or evil, or which we hear applied to other interesting things or events, and being applied in such a variety of cases that we know readily by habit to what things they belong, they produce in the mind, whenever they are afterwards mentioned, effects similar to those of their occasions.'

Several chapters are devoted to the proof and illustration of the theory that we use large numbers of words which convey no ideas to the mind. The whole inquiry leaves on the reader the impression that the author was a singularly laborious, careful, and systematic thinker, and that he had great ingenuity, but it does not appear to us very convincing. It was written when Burke was under thirty, and it has that disproportion of logical scaffolding to ultimate result, which is common in early performances.

Lord Macaulay observes that it is wanting in the eloquence which Burke developed later in life. There are a few exceptions to this remark. Read, *e.g.*, the 19th section of the first part: 'The more accurately we search into the human mind, the stronger traces we everywhere find of his wisdom

who made it,' etc. There is a similar passage in Section 5 of Part II., about the middle.

Burke's entrance into public life in 1765, under the auspices of Lord Rockingham, diverted him from mere literature, though it gave tenfold importance to his literary powers, by converting them into most effective engines of political warfare. His party pamphlet *The Short Account of a Short Administration*—the Rockingham Administration (July 1765—July 1766)—and the *Observations on a Late State of the Nation*, published in 1769 in answer to a pamphlet supposed to have been written by Grenville, and really written by his secretary Knox under his inspiration, have at present only an historical interest, as they refer almost entirely to forgotten party questions.

The only point in either which has still any general interest is a passing reference to plans for enlarging the suffrage, which Burke regards as an unmixed evil, and a discussion of the relations between England and America. He points out the practical impossibility of having the colonies represented in Parliament, a scheme then under discussion; and insists, with clear foresight and good judgment, on the great importance of not treating the questions between the colonies and the Mother-country, as in any way dependent on metaphysical disputes about the nature of sovereignty and its rights, and of not allowing such disputes to obscure the substantial question as to the true interests of the parties.

The *Thoughts on the Causes of the Present Discontents* (1770) are of much more permanent interest. They are the earliest of Burke's great constitutional efforts upon comparatively transient matters. The 'Present Discontents' are those which were excited by the questions about Wilkes, by the riots which were caused by his imprisonment and liberation, and by the party known by the name of the King's Friends.

Burke examines these various topics, and preaches upon them the appropriate constitutional doctrines as he understands them. As to the King's Friends, he holds that the proper advisers for the Crown were those persons who possessed the confidence of Parliament. He denies that this doctrine is, in a bad sense, aristocratic, and he denounces those who 'alarm the people with a phantom of tyranny in the nobles'; and he goes on to discuss, with reference to the politics of the day, the practical results of the attempt to institute a double Cabinet, and to substitute the King's Friends for constitutional Ministers.

He next proceeds to rebuke the House of Commons for its anti-popular tone in regard to Wilkes. The House 'was not instituted to be a control upon the people, as of late it has been taught, by a doctrine of the most pernicious tendency. It was designed as a control for the people. . . . The House of Commons, as it was never intended for the support of peace and subordination,



is miserably appointed for that service.' The persecution of Wilkes was a crime committed by the House against its very nature. In expelling him it assumed the position of 'a court of criminal equity . . . which is in truth a monster in jurisprudence.' Lastly, Burke takes occasion to preach the doctrine of party government and fidelity to parties. It is in this part that the famous sentence occurs—'When bad men combine, the good must associate.' He goes on to point out how party associations are the only practicable means of carrying out any reforms as matters of principle.

The next publication in order of time is the *Speech on American Taxation* (1774). It is an admirable performance, which even at this distance of time cannot be read without keen regret. It contains many brilliant passages, especially the well-known characters of Lord Chatham and Charles Townsend, and the description of General Conway coming into the lobby and being congratulated by the trading interest after the repeal of the Stamp Act; but more remarkable than these personal pictures is the expression of general principles as to America.

The position of the colonies, he says, had been that of restriction in trade accompanied by full civil liberty. Burke's advice is to maintain this position: 'Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burden them

by taxes ; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of States and kingdoms. Leave the rest to the schools.' A little before he had said : ' I am not here going into the distinctions of rights. . . . I do not enter into these metaphysical distinctions. I hate the very sound of them.' This is the keynote of all his writings and speeches on American affairs.

The *Speech on Conciliation with America* (March 1775), which was utterly ineffectual, is a far more elaborate and remarkable effort in every way than the *Speech on American Taxation*. It is one of the most astonishing performances in the way of speaking to be found in the history of this country. Like almost every other speech Burke ever made, it contains its *purpurei panni* ; especially the speech which ' the angel of this auspicious youth ' (Lord Bathurst) might have addressed to him in his early days as to the progress of America ; and that wonderful description (for it is nothing less) of the genius of the American people which contains the famous phrase about ' the dissidence of Dissent and the Protestantism of the Protestant religion ' as characteristic of the Northern colonies, whilst the aristocratic origin of the Southern colonies, and the aristocratic influence of slavery, are dwelt upon as rendering their enmity almost more formidable.

No one of Burke's works shows more strikingly that which was one great leading characteristic of his

mind—the extraordinary industry and sagacity with which he acquired information about distant countries. The clearness with which he appreciated the circumstances of the American colonies is exactly parallel to the clearness and accuracy of his judgment on the old Government of France and the social condition of the country.

Another admirable point in this speech, which is afterwards developed more fully in the *Letter to the Sheriffs of Bristol*, is the force with which he insists on the absurdity of confounding civil war with common high treason. The keynote of his sentiments is expressed in a very few words: ‘The thing seems a great deal too big for my ideas of jurisprudence. . . . It looks to me narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people.’

—In the latter part of the speech he insists on the necessity of just legislation for ending discontent, from the precedents of Ireland, Wales, Cheshire, and Durham, which were successively appeased by those means (the example of Ireland is rather an unhappy one), and he ends with a masterly justification of his proposals on the narrowest of all grounds—the ground of money. He says, and says truly, You will get infinitely more from the affections than you can possibly hope to get from the fears of the colonists. The *Letter to the Sheriffs of Bristol* is an appropriate postscript to this magnificent oration, turning for the

most part on the same subjects, and forming, on the whole, as melancholy reading as any that the history of his country provides for the humiliation and instruction of an Englishman.

Of Burke's other writings in connection with his representation of Bristol it will be enough to say that his *Speech on the Close of the Poll* is memorable for its exposition of the doctrine that a representative is not a delegate; and that his speech previously to the election of 1780, which closed his connection with the city, is an admirable exposition of the brutality of religious tyranny and of the reasons why it is so often popular.

'The desire of having some one below them descends to those who are the very lowest of all, and a Protestant cobbler, debarred by his poverty, but exalted by his share in the ruling Church, feels a pride in knowing it is by his generosity alone that the peer, whose footman's instep he measures, is able to keep his chaplain from a jail.'

The *Speech on Economical Reform* (February 1780) is perhaps the greatest effort which Burke ever made in the purely business-like direction. Nothing can exceed the skill with which the various establishments then in existence—their uses, their abuses, and the alterations proposed in them—are described. It contains fewer references to general principles than almost any other published performance of its author. Nearly the only one, if not the only one, is a disquisition on the principles on which pensions should

be conferred, and on the reasons why they should be granted by the King.

As a compensation, the speech contains (along with one or two of the clumsiest) perhaps the very best of Burke's efforts in the humorous direction. We refer to the passage which describes the deserted condition of the ancient palaces, in which 'a frightful silence would reign . . . if every now and then the tacking of hammers did not announce that those constant attendants upon all Courts in all ages, Jobs, were still alive.' This speech is specially deserving of notice because there is hardly to be found elsewhere so clear, so vigorous, and so learned a sketch of the constitutional character of the Executive Government in the latter half of the eighteenth century.

The speeches on Indian affairs form a separate and a most important part of Burke's works; but as our object is rather to consider him from the literary and speculative point of view than historically, we will content ourselves with a single reference to them, observing, however, that the *Speech on the Nabob of Arcot's Debts* is one of the strongest illustrations that English literature supplies, of the power of logic, directed by fierce indignation, to make the most obscure and distant subject vividly interesting. No more powerful statement of a mass of facts intrinsically tedious and repulsive has ever been made by any writer or speaker.

The works to which we have referred, well as they

are known, and often as they are quoted, are only a sort of introduction to those which are most completely characteristic of Burke, though to many readers at the present day they will appear less creditable than his earlier performances. We refer, of course, to his attacks on the French Revolution. They are thirteen in number: *The Reflections on the Revolution in France* (1790); *A Letter to a Member of the National Assembly* (1791); *The Appeal from the New to the Old Whigs* (1791); *Thoughts on French Affairs* (1791); *Heads for Consideration on the Present State of French Affairs* (November 1792); *Remarks on the Policy of the Allies* (1793); *Observations on the Conduct of the Minority* (1793); *A Letter to Mr. Elliot* (May 1795); the famous *Letter to a Noble Lord in answer to a Speech of the Duke of Bedford* (1796); and lastly, three letters published during his lifetime *On a Regicide Peace* (1796), with one posthumous letter on the same subject.

It is in these writings that Burke shows his whole soul, and puts forth his powers of every kind to the very utmost—to a point indeed at which the intensity of the effort is sometimes so painfully obvious as greatly to detract from the effect. We shall not here criticise these writings—partly because their general tenor is so well known; partly because we propose to try to extract and discuss, on a future occasion, the theory which runs through them all. We shall therefore content ourselves with reminding our readers in the fewest possible words of their general scope.

They begin by depicting the principles and character of the Revolution in the blackest colours which Burke's genius enabled him to lay on ; whilst, on the other hand, the principles of the old French Government are described in the most attractive light, and those of the English Constitution are almost deified. This, in a few words, is the general scope of the *Reflections* ; the same topic is followed up in the *Letter to a Member of the National Assembly*. The *Appeal from the New to the Old Whigs* supports and develops the special point that Burke's view of the English Constitution was in accordance with party precedent ; but it states the very foundations of that view with a power and depth elsewhere unequalled by the author.

The subsequent pamphlets are all in one direction. The *Thoughts on French Affairs* are a solemn shaking of the head. England is becoming infected with French principles, which must be kept out. The *Heads for Consideration* urge vigorous offensive war. The *Policy of the Allies* is a sermon for a crusade ; the *Letters on a Regicide Peace* continue the same subject with a passionate vehemence, we might almost say ferocity, which strikes the reader even at this day as something almost frightful. The personal quarrel with the Duke of Bedford which called forth the *Letter to a Noble Lord* is almost a relief, though it certainly carries impassioned and furious eloquence to a pitch seldom equalled before or since.

We conclude this slight catalogue of Burke's works

with a short reference to those which were published after his death. The tracts on the penal laws against the Irish Roman Catholics, with which must be classed a letter on the same subject written to Sir Hercules Langrishe in 1792, are eminently characteristic, especially the latest of them, in which Burke contrasts the Roman Catholics with the Jacobins, and pleads for a payment of the Roman Catholic priesthood, on the ground that their creed is infinitely preferable to Jacobinism. Some, too, of his notes for speeches, and in particular his notes for a speech on the Unitarian Petition and on the Act of Uniformity, are full of principles of the widest interest at the present day as to the legal character of the Church of England. His *Abridgment of English History* contains chapters better than almost anything written upon the subject in the eighteenth century; and if it is true that he wrote it in early youth, it is one of the most remarkable performances in literary history.

These observations are intended to give a sort of index map of the works of an author who is very much quoted, but comparatively little studied. We hope to try to extract from the various sources to which we have referred something in the nature of a connected body of doctrine, and to discuss a few of the many interesting problems which it suggests.



## VII

### BURKE ON THE ENGLISH CONSTITUTION<sup>1</sup>

THERE are two ways in which the theories of Burke may be regarded in such a manner as to invest them with a certain degree of unity. In his *Appeal from the New to the Old Whigs*, he observes of himself, 'I believe, if he could venture to value himself upon anything, it is on the virtue of consistency that he would value himself the most. Strip him of this, and you leave him naked indeed.'

This observation we think was both sincere and just. It would be quite possible to take the broadest expositions of his views—those, namely, which are to be found in the *Appeal from the New to the Old Whigs*, and the *Reflections on the Revolution in France*—then to show, by a comparison of them with his earlier works, that there was a true consistency in the whole of his political speculations, and that the apparent contrast between the earlier and the later ones was apparent only.

There is, however, another way of considering the

<sup>1</sup> *Works of the Right Hon. Edmund Burke.* London: 1815.

subject, which, if less systematic, is on the whole more instructive. It is to take his works in that which is at once their natural and, with very few exceptions, their chronological order also, and to collect from each division of them, the principal doctrines which he taught upon political and moral subjects.

It is this second plan which we propose to adopt. One advantage of it is that the nature of the classification which it implies is self-evident. Considered in reference to it, Burke's works fall into two great divisions—those which preceded, and those which related to, the French Revolution. The speeches and writings on Indian affairs form a separate and special department, which, though eminently characteristic of the man and of his genius, throw less light than either of the other sets of writing on his theories and principles. We now propose to state, and to some extent discuss, his theory of the English Constitution as it is developed in his earlier speeches and writings.

As we have already shown, none of Burke's earlier writings contain any systematic statement of his political views. He was, indeed, from first to last, a pamphleteer; and his principles have to be collected from the particular cases in reference to which they were originally stated, much in the same manner in which legal principles must be collected from reported cases. Like almost all the principal writers, on what may broadly be called the orthodox side, in the eighteenth century, Burke was

from first to last a utilitarian of the strongest kind. In a significant passage in the treatise on the Sublime and Beautiful, he speaks of 'our reason, our relations, and our necessities' as the proper basis of 'the science of our duties,' and treats the theory of the beauty of virtue as 'altogether visionary and unsubstantial.'

In the *Appeal from the New to the Old Whigs*, he says, 'Political problems do not primarily concern truth and falsehood. They relate to good or evil. What in the result is likely to produce evil is politically false; that which is productive of good is politically true.'

Whenever he has occasion to refer to the American quarrel he utterly refuses to enter upon the abstract questions which were so eagerly discussed at the time about the right of taxation. In his *Speech on Conciliation with America* he says: 'I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true; I put it totally out of the question. It is less than nothing in my consideration.' So, in the *Speech on American Taxation*, he says: 'I am not going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate the very sound of them.' Custom and practice are 'the arguments of States and kingdoms.'

A passage in the *Letter to the Sheriffs of Bristol* may stand as typical of much else which might be quoted: 'I was persuaded that government was a practical

thing made for the happiness of mankind, and not to furnish out a spectacle of uniformity to gratify the schemes of visionary politicians. . . . It is melancholy as well as ridiculous to observe the kind of reasoning with which the public has been amused in order to divert our minds from the common sense of our American policy.'

And after referring to the abstract discussions which had taken place on liberty, natural rights, and the like, he says: 'Civil freedom, gentlemen, is not, as many have endeavoured to persuade you, a thing that lies hid in the depth of abstruse science. It is a blessing and a benefit, and all the just reasoning that can be upon it, is of so coarse a texture as perfectly to suit the ordinary capacities of those who are to enjoy, and of those who are to defend it.'

Expediency is thus the basis of all his speculation, and the first rule of expediency is to set out from existing facts, and to take all measures whatever with respect to them. This, as every one knows, is the keynote of a great part of the *Reflections on the Revolution in France*, but perhaps one of the most striking illustrations of it is to be found in his speech on Fox's East India Bill:

'I do not presume to condemn those who argue *a priori* against the propriety of leaving such extensive political powers in the hands of a company of merchants . . . but with my particular ideas and sentiments I cannot go that way to work. I feel an insuperable reluctance in giving my hand to destroy

any established institution of government upon a theory, however plausible it may be.'

So fond is he of precedents, that in the *Speech on Conciliation with America* a great part of the argument consists of an almost servile application of the Precedents of Ireland, Wales, Chester, and Durham, which he concludes with these words: 'Above all things I was resolved not to be guilty of tampering, the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words, to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ, but for her words. This, if it be not ingenious, I am sure is safe.'

It would be easy to fill pages with extracts from his works on the sacredness of possession and prescription. In his later works, indeed, the glorification of these two words becomes a sort of mania. In a letter to Mr., afterwards Baron, Smith on Popery in Ireland, he says: 'All the principal religions in Europe stand upon one common bottom . . . humanly speaking, they are all prescriptive religions. They have all stood long enough to make prescription, and its chain of legitimate prejudices, their mainstay.'

Such being the foundation of all Burke's political

theories, it is not surprising that he should have idolised the English Constitution, as it afforded him the very  $\pi\omicron\upsilon\sigma\tau\acute{\omega}$ , which was, in his view, the first condition of all political speculation. In the present day indeed his language on the subject, well known as it is, has come to look affected and almost absurd.

Take, for instance, the famous expression in the *Speech on Economical Reform*: 'I come next to the great supreme body of the civil government itself. I approach it with that awe and reverence with which a young physician approaches to the cure of the disorders of his parent.' The first subject touched upon under this solemn heading is the Board of Green Cloth, and the first recommendation is that the Royal tables should be supplied by a contract, made by the Steward of the Household and approved by the Treasury, so that, to use Burke's own illustration, the turnspit in the King's kitchen might no longer be a member of Parliament. Awe and reverence are not exactly the feelings which would occur to a young physician if it became his melancholy duty to suggest to the revered author of his being the propriety of taking a blue pill, and of being a little more careful in his diet.

Still, whatever may be thought of the manner in which Burke expressed his views on the subject, it can hardly be doubted that the practical consequences which he drew in the first part of his career from his general conception of the Constitution were generous, magnanimous, and reasonable. It is equally true

that they were the direct consequences of his general view that the constitution of a nation was something which a wise man would take as he found it, and from which he would derive as much practical advantage as possible.

The great illustrations of this, no doubt, are his writings in relation to America, in comparison with which his expositions of the popular character of the House of Commons, of the merits of party government, and of the distinction between the position of a representative and that of a delegate, are almost insignificant.

It may no doubt appear paradoxical to assert that the greatest of constitutional writings of our greatest constitutional author were those which did not relate to England itself, but it is nevertheless perfectly true. Burke's estimate of the character of the Constitution shows itself in the clearest light when he regards the Parliament of Great Britain in its imperial capacity ; and, by tracing its relation to dependencies, has occasion to point out the nature of the sovereignty which it exercises, and the limitations to which that sovereignty is subjected by its own nature.

Indeed, if the matter is carefully considered, it will appear that this must be so from the nature of the case. Constitutional questions, if fully thought out, are all questions, not of law, but of power. Legal questions are those which can be decided by a common superior according to a fixed rule, but the ques-

tion whether such and such functions belong to the Crown, to the House of Lords, or to the House of Commons, cannot possibly be decided by reference to a common superior. If neither party will give way, they can be decided only by an appeal to force, by a *coup d'état* in one shape or another—the deposition, it may be the execution, of a King, or the turning the Parliament out of doors by an armed force.

This is also true of questions arising between different legal bodies, such as imperial and subordinate legislatures. In these cases a dispute as to the limits of the powers possessed by the different bodies can be decided by civil war only, if the parties insist. Such was the case of the American colonies, and of the civil war of 1861. Such in substance was the case of Ireland in 1782; such might well be the case of Canada at the present day, if the English nation were ever to be absurd enough to allow such a question to arise.

All constitutional questions being questions of power, and not of law, it is obvious that in practice they may be divided into two classes—questions between sovereign and sovereign and questions between sovereign and subject. On the one side we have questions which arise between the different depositaries of the sovereign power, questions between the King and the Parliament, or between the Parliament of Great Britain and the Parliament of Ireland, or the nation's representative bodies in the colonies.

On the other, we have questions between the



sovereign power and its subjects. Questions of the first order *sound*, as lawyers would say, in civil war. Questions of the second order *sound* in revolution. In questions of the first class the substantial issue, when reduced to its simplest terms, is, Which branch of the Government is, at a particular time, and for a particular purpose, the strongest? In questions of the second order the substantial issue is, Whether the existing Government shall, or shall not, continue to exist as a government.

All the questions to which Burke addressed himself during the earlier part of his life were questions of the first order, and he treated them, as every one would now admit, with conspicuous wisdom. The question which he had to deal with towards the close of his life was a question of the second order; and his great mistake appears to us to have been, that he treated it in precisely the same way, and on precisely the same principles, as those on which he had treated the questions which came before him at an earlier period, although the two sets of questions were fundamentally different. His fault was, not that he was inconsistent, but that he was too consistent, that he did not know how to apply new principles to a new case.

Reserving for future consideration the second part of his works, let us now dwell a little on the less noisy, but far wiser, part of his career. It is, as we have already observed, difficult even now to read his utterances on the subject of America without shame

and sorrow, mixed to some degree with surprise at their having been so entirely without effect.

No doubt the subsequent course of events has enabled us all to be wise upon the matter at a very cheap rate; but when we read his arguments the wonder is how any one could ever be so insane as to doubt their soundness. Here, he said, is a collection of nations separated from you by several thousand miles of ocean, invested by your legislation with forms of government, which are, at least apparently and *primâ facie*, all but independent. They have through their constituted authorities resolutely refused to allow you to tax them, and it is impossible to distinguish the principle upon which they proceed, from the principle upon which you in England avowedly base the right of the House of Commons to hold the purse-strings of the nation. They are, moreover, one of the sturdiest races in the world. ‘From their six capital sources—of descent, of form of government, of religion in the Northern provinces, of manners in the Southern, of education, of the remoteness of the situation from the first mover of government—from all these causes a fierce spirit of liberty has grown up.’ Why knock your heads against such a stone wall as this for no conceivable motive except a sort of metaphysical point of honour? Why not learn the lesson which the whole of your own history teaches, that to attempt to break down such a spirit by mere military force would, if possible, be most pernicious?

It is worth observing that Burke's *Speech on Conciliation with America* contains no direct opinion as to the success which would attend an appeal to force. Six years before, in his *Observations on a Late State of the Nation*, he had expressed a very decided one. To enforce obedience to the Stamp Act 'every province in America must be traversed, and must be subdued. I do not entertain the least doubt that this could be done. We might, I think, without much difficulty have destroyed our colonies. This destruction might be effected probably in a year, or in two at the utmost.'

This earnest dissuasion from the use of force is coupled with another appeal of at least equal importance. It is the famous appeal against the purely legal view of the question, which, of course, could regard the Americans simply as persons guilty of high treason by levying war. In the *Letter to the Sheriffs of Bristol* two years afterwards, when the war was in full progress, he insisted on this point still more forcibly.

An Act had been passed for punishing the naval forces of the Americans as pirates. Burke denounces this on the ground that 'the Act does not (as all laws and all equitable transactions ought to do) fairly describe its object,' which, he argues, was to superadd moral degradation to legal guilt. He not only contends that in the soldiers and sailors who obeyed the orders of their own local Government there was no moral guilt at all, but he adds that,

under the circumstances, it was an abuse of the criminal law to look at a civil war in the light of a rebellion : ‘Lawyers, I know, cannot make the distinction for which I contend, because they have their strict rule to go by. But legislators can do what lawyers cannot, for they have no other rules to bind them but the great principles of reason and equity and the general sense of mankind. . . . If we had adverted to this we never could consider the convulsions of a great empire, not disturbed by a little disseminated faction, but divided by whole communities and provinces and entire legal representatives of a people, as fit matter of discussion under a Commission of Oyer and Terminer. It is as opposite to reason and prudence as it is to humanity and justice.’

Further on he insists with extraordinary force on the monstrous and unnatural perversion of common sense which found matter of pride and glorification in the trifling and now almost forgotten successes which occasionally fell to the share of the Royal troops, and which flattered national vanity by the satisfactory reflection that Englishmen by birth, blood, language, and religion were slaughtered successfully by German mercenaries.

‘It is not instantly that I can be brought to rejoice when I hear of the slaughter and captivity of long lists of those names which have been familiar to my ears from my infancy, and to rejoice that they have fallen under the sword of strangers, whose barbarous appellations I scarcely know how to pro-

nounce. The glory acquired at the White Plains by Colonel Rahl has no charms for me, and I fairly acknowledge that I have not yet learned to delight in finding Fort Kniphausen in the heart of the British dominions.'

It would be easy to multiply these quotations. Our special object in making them is to show what Burke understood by the Constitution, and constitutional principles. He understood by the Constitution the aggregate of the public establishments of Government, and by constitutional principles those maxims which experience showed to be necessary to their harmonious working. As we have seen in the extracts just given, he rightly regarded these questions as belonging to a sphere above that of positive law, and by which, in some cases, the constant rigour of positive law might be suspended and corrected. In short, he viewed the whole State, including not merely the Government of Great Britain, but the Government of the British Empire, as a vast and intricate whole, the different parts of which must, if they were not to fall into fatal and inextricable confusion, keep an eye continually on each other, and play with extreme care and attention, each its own part, in one great drama.

We have shown how he applied this theory to the case of England and America by preaching to the British Parliament the utmost possible respect for the Colonial Governments, and for the 'fierce' people which they represented, but it is a sort of

presumption to speak for Burke in any words but his own. The following extract gives his theory of the Constitution of the British Empire as shortly and brilliantly as possible.

In answer to the argument if America is said not to be free because it is not represented, England is not free because Manchester, etc., were not represented, he says: 'Is it because the natural resistance of things, and the various mutations of time, hinders our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the colonies are to recede from it infinitely? When this child of ours wishes to assimilate to its parent, and to reflect with a true filial resemblance the beauteous countenance of British liberty, are we to turn to them the shameful parts of our Constitution? Are we to give them our weakness for their strength, our opprobrium for their glory, and the slough of slavery which we are not able to work off, to serve them for their freedom?'

The colonies are to have their own place, and the British Parliament to have its place. It is the local legislature of Great Britain, and also has 'her nobler capacity . . . her imperial character, in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controls them all without annihilating any.'

His treatment of the relations between England and the American colonies is certainly the best illustration of Burke's conception of the Constitution.

His theory on the subject might readily be further illustrated from the well-known expositions, to which we have more than once referred, of various domestic constitutional questions. In each of these cases the question arose of the relation to each other of different members of the Government, and in each the solution is found by considering what, with a view to the general advantage of the country, that relation ought to be considered to be, precedent being regarded as the best possible evidence as to what is generally advantageous.

Party government, for instance, is treated in this way. It may be regarded as a bad and factious thing, but it is implied in the theory of Parliament: 'For my part I find it impossible to conceive that any one believes in his own politics, or thinks them to be of any weight, who refuses to adopt the means of having them reduced into practice. It is the business of the speculative philosopher to mark the proper ends of government. It is the business of the politician, who is the philosopher in action, to find out proper means towards those ends and to employ them with effect. Therefore, every honourable connection will avow it is their first purpose to pursue every just method to put the men who hold their opinions into such a condition as may enable them to carry their common plans into execution with all the power and authority of the State. As this power is attached to certain situations, it is their duty to contend for those situations. Without a proscription of others they

are bound to give to their own party the preference in all things.'

Moreover, so it was done in former times. Lord Sunderland, Lord Godolphin, Lord Somers, and the Duke of Marlborough formed parties. It is, however, needless to accumulate illustrations. No one who is at all acquainted with Burke's writings will hesitate to accept what we have stated, as a fair account of his method of political inquiry, and of his conception of the nature of a Constitution.

What is to be said of its value? There can hardly, we apprehend, be two opinions as to its value, so long as the foundation on which it rests remains unimpaired. If political power is, in point of fact, parcelled out in a State between a variety of different bodies, or in an empire between a number of different governments, and if it is on the whole desirable that this arrangement should be continued, it is almost an identical proposition that it is also desirable that each member of the company should act his own part in the play, that there should be as little quarrelling as possible, and that every actor should on all occasions have an eye rather to the general effect than to his own personal glorification.

It is also clear that, so long as it is wise to keep up that distribution of political power which makes the constitution, experience will be a more instructive guide as to the best way of adjusting the relations of the various parts to each other than any express rules; and it ought to be added in favour of Burke



that, at the time when he wrote, the state of things, both in the British Empire and in Great Britain, was such that it could not be said to be unwise to take the view of the empire and of the nation which he actually took.

All this, however, is to be taken in connection with a totally different set of considerations to which Burke never refers at all. Constitutions are made for empires and nations, empires and nations are not made for constitutions ; and as the social condition of Great Britain, and of the various members of the British Empire, changed, it was absolutely essential that the Constitution, both of the Empire and of the nation, should change also. With regard to the Constitution of the Empire, it may no doubt be plausibly (to say the very least) contended that Burke was perfectly right, not merely in his general theory, but also in his application of it to particular facts.

Ordinary common sense and justice might no doubt have averted the American war, and delayed for a time which it is impossible to guess at, with any appearance of plausibility, the formation of the United States. How this would have affected England and the world at large it is impossible to say, but it would beyond all doubt have had a powerful effect, of some sort, on the French Revolution. One of the impulses which occasioned the outbreak at that particular moment would have been wanting. The Conservative party in the colonies would have been immensely

powerful. In short, if it ought to be the effort of an English statesman, at all times and in all places, to promote the comparative force as well as the positive welfare of the British Empire, the course which Burke insisted on was the right one. Constitutionalism would have had a triumph such as never rewarded any other principle or system in this world, if the thirteen colonies had parted from the Mother-country upon friendly and kindly terms, and had become foreign nations without ceasing to be friends.

The imperial side of Burke's policy was no doubt its strong side. The relations between the inferior and the dependent parts of an empire must always be principally of the constitutional kind, unless the empire is exclusively military; but in the internal government of a nation it is barely possible that so complicated and intricate an arrangement as that of which Burke was the great prophet and poet shall be otherwise than exceptional. Political institutions must depend upon the social condition of the country to which they belong. They must also be based upon principles which may be true or false, and it is equally impossible to secure the permanence of any state of society, and to prevent, on mere grounds of momentary expediency, the discussion of fundamental principles. Such changes and such discussions are fatal to constitutions. They must and do modify them, and the only question is whether the modifications shall be more or less abrupt, and more or less violent.

## VIII

### BURKE ON THE FRENCH REVOLUTION <sup>1</sup>

BURKE'S writings on the French Revolution are probably less known than they deserve to be by every one who cares to understand the nature of his political philosophy. We have shown that his general theory upon constitutional questions might be resolved into a belief that every constitutional arrangement must be accepted as an existing fact, and so managed, by the application of the general maxims of political prudence, that the greatest possible public advantage might be derived from it. We have also tried to point out the limitation under which this is quite true, and even self-evident; which limitation is that the constitutional compromise must represent an actually existing state of society, and that the principles on which it is founded must be regarded as true.

In all the questions which had come under Burke's notice in reference to the British Empire and the English nation these conditions had been observed.

<sup>1</sup> *Works of the Right Hon. Edmund Burke.* London: 1815.

The King of England, the Lords, and the House of Commons were each real powers in the State, and represented, by no means unfairly, different branches of English society as it was then organised. The Parliaments of Great Britain and Ireland, and the various Colonial Assemblies, also represented, with sufficient accuracy, real independent sections of the empire competent to enter into relations and treaties with each other; and the various questions which from time to time arose between them were in all cases either matters of practical arrangement, or else questions of principle which it was possible to discuss without going to the very foundations of civil society.

Though the Americans chose to dignify their contest with England by the enunciation of general principles about the inalienable rights of man, it was quite possible to advocate their cause upon much narrower grounds; and even in America, and amongst the Americans themselves, the principles announced obviously went very considerably further than the actual necessities of the case required. The difference between such questions as these and the questions which were agitated by the French Revolution is too broad and too well known to require to be pointed out.

The French Revolution brought at once into issue all the deepest questions as to the nature of society, and the position and destinies of the human race, which can exercise men's minds. The Revolution was essentially opposed to every maxim and every

dogma, on which existing forms of society in France and in Europe at large had theretofore been based ; and when Burke came to consider it with his usual shrewdness and clear-sightedness and practical acquaintance with facts, he found himself obliged to do what he had never found it necessary to do before—to descend to the foundations of things, and throw into a distinct and more or less systematic form his own political creed. He must no doubt have held it all along, but it is nowhere to be found in his works in a definite systematic shape till we come to the *Reflections on the Revolution in France*, and the *Appeal from the New to the Old Whigs*. Burke's later writings on the French Revolution are so little read in the present day that, in order to set his political creed in the relief which properly belongs to it, and to show its practical nature, it will be necessary to follow rather more fully than we have hitherto done the course of his teaching on the subject.

The *Reflections on the Revolution in France*, which begin the series, are sufficiently well known. The glories of the British Constitution, the absolute satisfaction of the British nation in its perfections, and the magnificence of its results, are first held up to the admiration of the French with a contemptuous 'Go and do thou likewise,' and with a pitying admonition to the effect that if they had been wise they might have done likewise. The course of events in France is then depicted with infinite scorn and indignation, and the new Constitution is criticised

with merciless severity. The nature of the British Constitution is unfolded and explained in order to point the contrast between it and the proceedings in France.

The *Reflections* are vehement enough, but they are tame to the writings which followed. The *Letter to a Member of the National Assembly* goes much further. France is mad—‘the deluded people of France are like other madmen who to a miracle bear hunger and thirst, and cold and confinement, and the chains and lash of their keeper, whilst all the while they support themselves by the imagination that they are generals of armies, prophets, kings, and emperors.’ ‘These madmen, to be cured, must first . . . be subdued.’ This must be ‘an act of power’ by men ‘who will lay the foundation of a real reform in effacing every vestige of that philosophy which pretends to have made discoveries in the *terra australis* of morality; men who will fix the State upon those bases of morals and politics which are our old, our immemorial, and I hope will be our eternal, possession.’ France is ‘a college of armed fanatics for the propagation of the principles of assassination, robbery, rebellion, fraud, faction, oppression, and impiety.’ The princes of Europe should interfere, not, indeed, for the annihilation of France, but for its punishment. Moreover, unless the system of terror is given up (this was written in 1791, long before the Reign of Terror began), ‘if ever a foreign prince enters into France, he must

enter it as into a country of assassins. The mode of civilised war will not be practised, nor are the French, who act on the present system, entitled to expect it.' . . . 'All war which is not battle will be military execution.'

Further on we learn that the revolutionists have succeeded by 'the practices of incendiaries, assassins, housebreakers, robbers, spreaders of false news, forgers of false orders.' This is bad enough, but as time goes on the scene gets, if possible, darker.

In the *Thoughts on French Affairs*, published in December 1791, which is quieter in style, it is pointed out that the French system is proselytising, and that it is spreading to England. Louis XVI. is 'severely blamed. 'This unfortunate king was deluded to his ruin by a desire to humble and reduce his nobility, clergy, and his corporate magistracy.' He hopes to regain his power 'by various mean, delusive intrigues, in which I am afraid he is encouraged from abroad.' Under the fear of death 'this unhappy man has been guilty of all those humiliations which have astonished mankind.' He is 'captive in mind as well as in body,' and all this has thrown the European sovereigns into great difficulties in dealing with France. How can you deal properly with the Revolution as a huge crime, when the very king for whom you fight is more or less of a revolutionist?

When the interference has fairly begun, matters get still worse. The Allies are so far from going

heart and soul into the war, as into a crusade, that they virtually acknowledge the Revolutionary party to be in the right, by recognising them as the people of France : ' If we consider the acting power in France (October 1793) in any legal construction of public law as the people, the question is decided in favour of the republic, one and indivisible. . . . If we look for the corporate people of France existing as corporate in the eye and intention of public law (that corporate people, I mean, who are free to deliberate and decide, and who have a capacity to treat and conclude), they are in Flanders and Germany, in Switzerland, Spain, Italy, and England. There are all the princes of the blood, there are all the orders of the State, there are all the parliaments of the kingdom.'

The 're-establishment of royalty and property' ought to be the one object of the Allies. Not only ought the emigrants to be restored to their estates, but the clergy, as 'physicians and magistrates of the mind,' ought to be reintroduced to their parishes 'as missionaries of peace and order,' by the side of the 'well-informed, sensible, ingenious, high-principled, and spirited body of cavaliers' who formed the 'expatriated landed interest of France.' The corporations of the great towns were to be re-established, in order that all might co-operate to 'restrain and regulate the seditious rabble.'

In short, 'we cannot, if we would, delude ourselves about the true state of this dreadful contest; it is a religious war.' So completely is it a religious war,



that Burke goes to the edge of recommending a persecution of the French Protestants: 'There may be perhaps half a million or more, calling themselves Protestants. . . . They have behaved shockingly since the very beginning of this rebellion, and have been uniformly concerned in its worst and most atrocious acts. Their clergy are just the same atheists with those of the Constitutional Catholics, but still more wicked and daring.'

The treatment recommended for them is characteristic: 'As the ancient Catholic religion is to be restored for the body of France, the ancient Calvinistic religion ought to be restored for the Protestants, with every kind of protection and privilege. . . . The Presbyterian discipline ought to be established in its vigour, and the people professing it ought to be bound to its maintenance. No man, under the false and hypocritical pretence of liberty of conscience, ought to be suffered to have no conscience at all. I am conscious that this discipline disposes men to republicanism; but it is still a discipline, and it is a cure (such as it is) for the perverse and undisciplined habits which for some time have prevailed.'

It is hardly necessary to follow further this account of Burke's appreciation of the Revolution. One sentence in the pamphlet from which we have been quoting sums it all up:—'France, such as it is, is indeed highly formidable. Not formidable, however, as a great republic, but as the most dread-

ful gang of robbers and murderers that ever was embodied.'

The Letters on a Regicide Peace are all sermons on this text. It is a doctrine with which we are at war. 'It is a war between the partisans of the ancient, civil, moral, and political order of Europe against a sect of fanatical and ambitious Atheists which means to change them all.' All Europe is 'virtually one great State, having the same basis of general law with some diversity of provincial customs and local establishments,' and as such it is its duty to put down and to punish crimes which tend to destroy its fundamental laws.

'The present system in France is not the ancient France.' It was a fatal mistake to hold any terms at all with the revolutionary powers, or to admit that the people in France were in any sense the French people; but unhappily the princes of Europe will not take that view of the subject. They are lukewarm and selfish. They strike, not at the heart of their enemy, but at outlying members which may be severed from the main body without weakening it, and even to its advantage. Hence they have betrayed the common cause, and will all be destroyed in their turn, for France is not lukewarm, France is not a country of balance and compromise: 'What now stands as government in France is struck out at a heat. The design is wicked, immoral, impious, oppressive; but it is spirited and daring; it is systematic; it is simple in its principle,

it has unity and consistency in perfection. . . . To them the will, the wish, the want, the liberty, the toil, the blood of individuals is as nothing. Individuality is left out of their scheme of government. The State is all in all.'

Such is Burke's conception of the French Revolution. An acquaintance with it is necessary, as an introduction to that view of the principles of government and foundations of society, which he was first led to express systematically by the horror and aversion with which the Revolution inspired him. The standing-ground from which so fierce a condemnation of such an event could be hurled had of course to be a strong one.

It is stated with great vigour in two places—first, in the *Reflections on the Revolution in France*; and afterwards, even more fully and plainly, in the *Appeal from the New to the Old Whigs*. There was a good deal of justice in Bentham's observation, that he hated metaphysics because he hated to be tied down to anything definite. In the writings in question emphasis and not clearness is his object, yet he expresses himself with abundant force, and in a manner sufficiently intelligible to any one who really wishes to understand him, though open to all sorts of objections.

The first point to be observed is that Burke's intense hatred of the Revolution was founded, to a great degree, upon the fact that, between himself and the Revolutionists there was at least one cardinal

point in common. It may look at first sight like a contradiction to what we have said already, that Burke was emphatically an *a priori* reasoner on politics. Practical utility is no doubt, in his system, the object at which all reformers ought on all occasions to aim. To work with existing materials, and to reverence prescription and possession, are the great practical rules towards the general end. At the basis of the whole, however, lie a set of principles without which these practical directions would be sterile.

Like Berkeley — whose philosophy harmonises singularly well with Burke's writings, and in all probability had powerfully affected his mind — Burke makes duty to God the foundation of everything else; and, also like Berkeley, he referred to the will and disposition of God all the principal relations between man and man, and regarded the great moral duties, and the rights which arise out of them, as divinely instituted, and superior in kind and degree to all other obligations whatever.

No one ever wrote more earnestly, strange as it may appear, about the rights of man. The question between him and the Jacobins was not whether men had natural rights, but whether they had the rights which were claimed by the Revolutionists, and especially the right of cashiering governments, and altering the whole existing distinctions of property and authority at the will of the majority. Thus he says: 'If civil society be made for the advantage of

man, all the advantages for which it is made are his right. . . . Whatever each man can separately do without trespassing upon others he has a right to do for himself, and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favour.'

In one of his posthumous tracts on the Popery Laws he goes even further: 'In all forms of government the people is the true legislator, and whether the immediate and instrumental cause of the law be a single person or many, the remote and efficient cause is the consent of the people, either actual or implied, and such consent is absolutely essential to its validity.' Though the consent of the people is necessary to the validity of a law, the popular will is not omnipotent. There are things to which the people cannot consent, laws which they cannot make.

Burke says that a law 'prejudicial to the whole community' would be 'null and void,' even if the whole community collectively and actually assented to it, 'because it would be made against the principle of a superior law, which it is not in the power of any community, or of the whole race of man, to alter—I mean the will of him who gave us our nature, and in giving, impressed an invariable law upon it.' There are two foundations of law 'without which nothing can give it any force.' They are equity and utility. Equity 'grows out of the great rule of equality, which is founded upon our common nature, and which Philo with propriety and beauty calls the

mother of justice.' 'All human laws are, properly speaking, only declaratory. They may alter the mode and application, but have no power over the substance of original justice.'

This notion of a justice antecedent to, and by right formative of, all law, and made binding on all men by an immutable divine decree, lies at the root of every part of Burke's political theories. It had much in common with the Jacobin view. Hobbes and Bentham are in principle further from Burke than Rousseau or Voltaire (whom he vehemently abuses, without, as far as we can judge, any special acquaintance with his writings).

The point of divergence between them lies in the question, What does justice prescribe? Burke answers this by saying that God had appointed a certain order for the whole human race: 'A mode of existence decreed to a permanent body composed of transitory parts, wherein, by the disposition of a stupendous wisdom moulding together the great mysterious incorporation of the human race, the whole at one time is never old, or middle-aged, or young, but in a condition of unchangeable constancy moves on through the varied tenour of perpetual decay, full of renovation and progression. . . . The awful Author of our being is the Author of our place in the order of existence; and having disposed and marshalled us by a divine tactic, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us.'

The result of all this is, that the existing order of things is entitled to intense reverence because it is mediately the work of God ; on the other hand, it is to be, step by step and progressively, improved, because it was designed by God for the benefit of man, and because every man has a right to take the benefits which it can give him. Civil society, it is true, is a contract, but it is a contract which we cannot alter, and as to which we cannot choose whether we will enter it or not. 'Its continuance is under a permanent standing covenant co-existing with the society ; and it also lies upon every individual of that society without any formal act of his own.'

Our duties to Government, like most of our other duties, are by no means matter of choice, and the sanction on which they depend is not matter of human institution : 'Look through the whole of life, and the whole system of duties. Many of the strongest moral obligations are such as were never the result of our option. I allow that if no Supreme Ruler exists, wise to form, and potent to enforce the moral law, there is no sanction to any contract, virtual or even actual, against the rule of prevalent power.'

If, however, such a ruler exists, then mere popular will is in no sense the ultimate test of all things ; and if it infringes general principles, breaks through established rights, neglects prescription and possession, and thinks itself at liberty to destroy every institution which it does not happen to like,

it is just as tyrannical, as unjust, as wicked, as any other tyrant. In all this we can see nothing but a cumbrous and obscure, because needlessly eloquent, way of enunciating the truism that revolutions ought not to be made needlessly, and that, except in extreme cases, men ought not violently to disturb the existing state of things, or to disappoint existing expectations.

If the generalities are reduced to special cases they look very much the reverse of imposing. Did Burke mean to say that God gave two members to Old Sarum, and if not, what precisely did he mean? Probably in this, as in other cases, he would have found clearness an enemy to enthusiasm. His remarks about the social contract are only a round-about way of saying that it is a mere fiction.

Such being the general theory of civil society, how is it to be applied to any existing state of things? At this point Burke has to introduce a considerable element of fiction. He preaches, in many places and under various forms, the doctrine that it is a sort of duty to take the very most favourable view of an existing institution which the imagination can with any plausibility form of it. If it appears that any existing institution answers directly or indirectly any good end, regard it as instituted for that end, and reform it, if it must be reformed, accordingly.

This principle is rather practised than distinctly enunciated; but the famous description of the



Church of England 'raising her mitred head in Courts and Parliaments' and providing archbishops and bishops with salaries of £10,000 a year for the salvation of 'the miserable Rich,' is perhaps the strongest illustration which can be given of it. The way in which 'we,' the people of England in general, are described throughout the whole of the *Reflections*, as holding this or that, which Burke thinks we ought to hold, is another: We fear God; we look up with awe to Kings, with affection to Parliaments, with duty to magistrates, with reverence to priests, and with respect to nobility. . . . We think that no discoveries are to be made in morality, nor many in the great principles of government. . . . We are resolved to keep an established Church, an established monarchy, an established aristocracy, and an established democracy, each in the degree it exists, and in no greater. . . . Our education is in a manner wholly in the hands of ecclesiastics.'

It is worth observing, by the way, that in the first Letter on a Regicide Peace, he gives further particulars as to who 'we' are. He says that 'In England and Scotland I compute that those of adult age, not declining in life, of tolerable leisure for such discussions, and of the means of information more or less, and who are above menial dependence (or what virtually is such), may amount to about 400,000. This is the British public.'

He adds, 'Of these 400,000 political citizens, I look upon one-fifth, or about 80,000, to be pure

Jacobins, utterly incapable of amendment, objects of eternal vigilance, and, when they break out, of legal constraint.' The 'we,' therefore, who think all these fine things, are only that majority of a minority, which is obtained by taking credit for all the indifferent and undecided members who even passively adhere to what exists. The most active part of the minority are 'pure Jacobins,' and probably four-fifths of the adult males of the nation are not to be considered at all. This diminishes the force of the declamation about 'we.'

A second and a still more important rule with Burke is, that we are not only to make the best of all existing institutions, but are to accept as final the theoretical basis on which they rest. Utility, and not truth, is the object of politics; those who seek for truth, and act upon the assumption that they have found it by attacking the existing state of things, are liable to every hard name which Burke lavished on the revolutionists. The relation between utility and truth as conceived by the great writers of the eighteenth century, and the question how far their theory on the subject was true, are matters of too much importance to be incidentally discussed, and would afford a curious subject of separate inquiry.

Such, if we rightly understand it, is Burke's general view of the nature of civil society and of the abomination of revolutions. What is to be said of it? The first remark to be made upon the matter is that, if by a lucky accident the state of things at a given

time and place is such that such a theory can be accepted and acted upon, the theory is itself superfluous. No one pulls down his house when it is obvious that nothing is required beyond ordinary repairs.

In the case of the French the event showed that matters had gone far too deep to be treated in the manner which Burke suggested. It was impossible to take any real security against a counter-revolution without disabling, as well as dispossessing, the defeated party. The horrors of the struggle were the effect, not the cause, of its profundity, and of the irreconcilable difference between the two parties which were brought into fierce collision, without any sort of previous training in the arts which mitigate civil strife. To have got a British Constitution out of the Revolution, the history of France ought to have been the history of England.

It is, however, superabundantly proved, by the history of now nearly three generations, that Burke utterly misconceived the nature and durability of the particular temporary condition of things which he idealised under the name of the British Constitution. What he understood by those words, if indeed it ever existed at all except in his own imagination, has altogether passed away. The young physicians have got over the awe with which they used to look upon their fathers' liver and have treated the old man in a manner much more effective than reverential.

If we had had several generations of statesmen

passionately intent upon keeping up a proper balance between the three elements of the Constitution, where should we all have been at the present moment? Our course has in reality been a far simpler one than Burke ever thought it possible for the course of policy to be. That curious and fundamentally contradictory theory which taught on the one hand that a Constitution was something divine and mysterious, not to say uncreated and ineffable, and which, on the other, regarded it as an infinitely complicated and wonderful 'moral machine' which must never be touched except by the most skilful artists, imbued with a passionate reverence for the very things that they were going to alter, has pretty well ceased to influence the thoughts, though it still to a certain extent retains its place in the language, of men.

Very plain and simple notions have taken the place of Burke's refinements. 'We,' to use his own language, are for the most part willing to live and let live, and to interfere very little with the political powers, and not at all with the social position, of different classes, so long as they do not interfere with the general march of events, and with the deliberate opinions and feelings of the great mass of the people; but when those opinions and feelings assume by degrees—as they occasionally do—a definite shape upon any specific subject, they are altogether irresistible, and, happily for us all, serious and conscious attempts to resist them are no longer made.

This is pretty much the result of the constitutional and political discussions of the last seventy or eighty years. If Burke was right (as no doubt he was) as to the importance of prescription and possession, the respect due to existing facts, and the flimsiness of some of the metaphysical theories which he so much detested, still, on the other hand, the fact—for it is a fact—of the sovereignty of the people in the broadest sense of the words, has been established in this country by the general course of events, in a manner which is altogether unquestionable and conclusive. Nor can the struggles which led to its recognition, both in France and England, be denied to have been justified by the result, awful as they undoubtedly were in some of their details.

There is but one other remark which it appears to be necessary to make. Burke through the whole of his criticisms on the French Revolution regards it as an attack on the fundamental doctrines of Christianity, in whatever special form those doctrines might be expressed. To a certain extent this was undoubtedly true.

The old state of things in France was no doubt founded on the hypothesis of the truth of the Roman Catholic version of the Christian religion. It is equally clear that the new state of things is founded on the supposition that, whether that or any other form of positive religion is true or not, political society has a basis of its own, on which it can stand independently, according to which basis religion must,

as between man and man, be regarded as a matter of opinion—that is, as matter of doubt, whatever may be the case as between man and God.

The theories, which we so often hear described collectively as the principles of 1789, amount in a few words to the assertion that men can and do associate, and in France amongst other places actually have associated, together for the purpose of conferring upon each other the elementary benefits of society—including all that is meant by the protection of person and property at least, and tending, as every one can see, to include a great deal more—on the simple principle that they find such an association highly advantageous with a view to this present life alone, and independently of the question whether or not there is any other.

It was the possibility and the morality of such an association which Burke denied, with almost frantic violence, and which he branded as atheism and anarchy. That point, however, has been established with immovable solidity, though no doubt at an awful expense. Like the sovereignty of the people, it is one of those matters upon which controversy between reasonable men is no longer possible; and it is beyond all doubt a point upon which Burke's most cherished doctrines are emphatically and directly contradicted by experience.

What may be the value of such an association, whether it will be final, and what will ultimately be its relations to associations of a different kind, and

founded upon different principles, are questions of another order; and it appears eminently probable that the effort to obtain a proximate solution of them, will be the great leading feature of the history of Europe and America for generations, perhaps for centuries, to come. One fact, at all events, is clear. The questions which Burke, and those whom he represented, earnestly struggled to avoid, have been opened, never to be closed again till they are either solved or definitively renounced as insoluble. They are all included under one general head—Is the Christian, or any, and what, other system of religion and morals true? If an affirmative answer to this question is arrived at by the great mass of the population of any nation, or of any group of nations, there can be no doubt that political institutions will again be founded upon, or at all events, closely allied with, religion and morals.

So long as the question is practically regarded as insoluble, or at all events as unsolved, the present state of things will continue. Law proper will be founded upon simple temporal prudence, and government will have a growing tendency to become a mere affair of police, and to be separated from all moral control over the minds of men. Morals and religion, on the other hand, will suffer equally, though in different ways. Morals will tend to become a mere sentiment or a mere speculation; and religion will tend to be merged in superstition.

There neither will nor can be any other deliver-

ance from these evils than that which lies in finding a solution of the great questions, which, so to speak, exploded now nearly ninety years ago. Whatever the final result may be, it can hardly admit of a doubt, that none of those who have handled them were so hopelessly wrong, as the writers and statesmen who thought that, because the discussion would be terribly dangerous, it either could or ought to be permanently avoided.



## IX

### BURKE AND DE TOCQUEVILLE ON THE FRENCH REVOLUTION<sup>1</sup>

PERHAPS no event in history has been so much written about as the French Revolution, and perhaps there is none in which we are so much mocked with the outside both of history and of speculation. Every one can see, on the very first view of the subject, that the event was one which required to be explained by general causes, and every one can see equally well, that the incidents of the revolution were picturesque beyond all former experience. It was also a subject on which every one had eager sympathies. Hence most of the books written about it have been filled with plausible generalities, more or less amusing details, and vehement party arguments.

Hardly a single writer on either side of the Channel has ever appeared to see what was meant by understanding the subject. We always seem to be reading

<sup>1</sup> *Reflections on the Revolution in France.* By Edmund Burke.  
*L'Ancien Régime et la Révolution.* Par A. de Tocqueville.

either anecdotes, metaphysical abstractions, or pamphlets. To adjust the particular facts exactly, or even tolerably well, to general maxims sufficiently wide to render the facts comprehensible, and not sufficiently wide to fit everything equally well, is a great achievement. Hardly any one can do it at any time, and it would seem to be impossible to do it at all in a satisfactory manner till after the lapse of a time considerable enough to cool down party feelings.

A notion of the meaning and importance of such considerations may be obtained by comparing the views taken of the French Revolution by its most distinguished contemporary and by its greatest historical critic. M. de Tocqueville and Burke had two qualities in common, which suggest a comparison between their writings, notwithstanding the many particulars which would rather invite a contrast. Each was a deep thinker, and each passed a large and most important part of his life in the management of great political affairs. Each, in a word, was both a philosopher and a statesman; and a comparison of the ways in which the French Revolution struck one of these men, when he viewed it as a contemporary and by the light of antecedent experience, and the other when he viewed it as a past event and by the light of subsequent experience, may serve to illustrate the limitations under which even the most remarkable men are obliged, by the nature of things, to criticise the great events which occur before their eyes.

Burke's *Reflections on the Revolution in France* may

be not unfairly described as nearly, if not quite, the most successful pamphlet ever written. It is oftener quoted than read. To most readers it is known rather by the purple patches which adorn it—the ‘I thought ten thousand swords must have leaped from their scabbards,’ etc., and the ‘No! we will have her’ (the Church of England) ‘exalt her mitred front in Courts and Parliaments’—than by its general purport. It is, however, by its general purport, and not by the fine passages, that its author’s power to cope with the great event that was passing before his eyes must be estimated; and it must always be remembered that Burke was the ablest and most experienced English political writer of his day, and that, in so far as he failed to appreciate the Revolution, he did so by reason of the inadequacy of political knowledge and speculation as it then stood, and not by reason of any personal defect either in industry or mental power.

The general doctrine of the *Reflections* is, that existing institutions ought always to be made the basis on which reform should proceed; and that, in particular, the relations between Governments and their subjects ought to be ascertained, not by reference to any list of abstract propositions called by such names as the Rights of Man, but by reference to the institutions of given times and places, subject only to the proviso that the general result produced by the whole system is advantageous.

He enters into a long and, though eloquent, some-

what boastful exposition of the way in which this principle applies to the English Constitution. He shows how, by slow degrees, one right after another was established by Parliament, always upon the ground that it formed part of the ancient franchises of England. He then turns round upon the French, and, with tremendous force of language and sarcasm, reproaches them for not having followed this good example: 'Your Constitution, it is true, whilst you were out of possession, suffered waste and dilapidation; but you possessed in some parts the walls, and in all the foundations, of a noble and venerable castle. You might have repaired those walls, you might have built on those foundations.'

The French might have put themselves in a high position by connecting their reforms with the history of their ancestors. If this aim had been kept in view, 'You would not have been content to be represented as a gang of Maroon slaves suddenly broke loose from the house of bondage, and therefore to be pardoned for your abuse of the liberty to which you were not accustomed, and were ill fitted.'

He goes on to contrast the state of feeling and opinion in France and England respectively which led to these opposite results. In England, those natural feelings were preserved which in France had been sacrificed to pedantic speculation: 'In England, we have not yet been completely embowelled of our natural entrails. . . . We have not been drawn and trussed in order that we may be filled, like

stuffed birds in a museum, with chaff and rags, and paltry blurred shreds of paper about the rights of man [a passage, by the way, which appears to M. Michelet insane and blasphemous raving]. We preserve the whole of our feelings still native and entire unsophisticated by pedantry and infidelity.'

Religion, especially religion as embodied in the Established Church, is revered as the foundation of civil society, and the English people think that a Church Establishment lends a sort of sacred character to the State considered as a whole. France, on the other hand, has been misled by a 'literary cabal,' which 'had some years ago formed something like a regular plan for the destruction of the Christian religion.' By their malignant arts, they got possession of the public ear, controlled public opinion, and prevailed upon the States-General, which were composed principally of country curates and village attorneys (the estimate of the States-General, though not one of the most eloquent, is one of the shrewdest parts of the work), to confiscate the property of the Church. This state of mind led the French to overlook what was really good and wholesome in the Constitution of their country. It had great abuses, but it was by no means a very bad Government.

Then follows an estimate of the condition of France, and of the different parts of its population, which is of deep interest, especially when taken in connection with the result of M. de Tocqueville's inquiries into the same subject. Burke observes that the popula-

tion of France was apparently flourishing, that there was much reason to believe that its wealth was increasing, that 'it is but cold justice to that fallen monarchy to say that for many years it trespassed more by levity and want of judgment in several of its schemes, than from any defect in diligence or in public spirit.'

He then proceeds to describe different classes of society. He speaks very highly of the *noblesse*, and points out, to the great credit of his sagacity, that they had nothing to do with the local administration. He admits as one of their faults, though he does not dwell on it, that they were too exclusive, not admitting rich men to a due share of consideration. One passage on this point is remarkable. No one would think of writing it now, and it marks the width of the gulf over which we have passed: 'To be honoured and even privileged by the laws, opinions, and inveterate usages of our country growing out of the prejudice of ages, has nothing to provoke horror and indignation in any man.'

His description of the clergy is to much the same effect. He defends their character, and vigorously and even ardently defends the utility of supporting them by endowments. The work concludes with a review of the Constitution established by the National Assembly, which is as fierce and contemptuous (and not undeservedly so) as words can make it. For our immediate purpose, the most remarkable passage in it is the following: 'If the present project of a

Republic should fail, all securities to a moderated freedom fail with it ; all the indirect restraints which mitigate despotism are removed ; insomuch that if Monarchy should ever again obtain an entire ascendancy in France, under this or any other dynasty, it will probably be, if not voluntarily tempered at setting out by the wise and virtuous counsels of the prince, the most completely arbitrary power that has ever appeared on earth.'

Such are some of the most salient points of the view which the ablest of contemporary Englishmen took of the French Revolution. To common readers the fierce eloquence of the book will always constitute its great charm, and no doubt there is a wholesome pleasure in seeing a bully thrashed. The pedants and mere literary men who had ruled European, and especially French, opinion so noisily and so long, well deserved all that Burke said of them. 'Hit him again—harder if you can,' is the sentiment which rises in our mind on witnessing Burke's awful attacks on everybody who believed in the Rights of Man.

But this is, after all, a passing pleasure, and perhaps rather a boyish one. The real merits of the book are in its quieter parts. Every page in which Burke deals with the question of the state of France, or with the tendency of the revolutionary legislation, is surprisingly shrewd, and has received ample confirmation from the subsequent minute inquiries of M. de Tocqueville.

The great defect of the book is, that it raises, but does not answer, the question, Why was there any Revolution? If things were going on reasonably well, if the country was rather prosperous than otherwise, if the *noblesse* and the clergy were what Burke represents them as being, how can the whole transaction be explained? It is altogether incredible that a 'literary cabal' should deprive a whole nation of its fundamental beliefs, and even of common sense and the very rudiments of experience, and launch it on a mad voyage of destruction and piracy. It would be too much to expect of any public man so accurate and comprehensive a knowledge of the affairs of a foreign country, as to be able to answer a question like this in an entirely satisfactory manner. To take a keen shrewd view of the true character and tendency of events of such magnitude, discussed as they were with almost furious ardour, was in itself a great achievement.

M. de Tocqueville's work on the *Ancien Régime* enables us to understand how great an achievement it was—to see what truths form the necessary supplement to Burke's shrewd observations, and to get a true notion of the present constitution of French society.

M. de Tocqueville, as well as Burke, recognises, and even sets out with recognising, the fact that France had originally the very same institutions as England, or, at least, institutions formed on the same model. But he points out what Burke, not very unnaturally, did not see, or did not see clearly—



namely, that French institutions had had their history as well as English institutions, and that the Revolution was just as much a consequence of previous French history, as the commotions which had marked the reigns of the Stuarts, and the establishment of the House of Brunswick, were consequences of the previous history of England.

It is true that in England the change had been continuous, and that the taste of the people, and a variety of collateral circumstances, had made it possible to infuse a new spirit into the old forms; whereas in France, at the moment of the Revolution, the change, which had up to that time been gradual, became abrupt, and produced a crash.

The answer, or rather the commentary, which M. de Tocqueville supplies to Burke's sarcasms about building on the ancient foundations, and the Maroon slaves escaped from the house of bondage, is that, after all, the English and French both rebuilt their houses, and on much the same plan—with a view, that is, to the alterations required by the gradual changes of society. The difference was that the English took their time, and, he might have added, made less fuss about it.

With respect to his indignation about the Rights of Man, exactly the same remark applies. The French claimed, in an abstract pedantic way, what the English had long acted on, without setting up a set of doctrines like metaphysical ninepins, to be knocked over by rhetoric. Burke himself had a theory of his

own as to the rights of men, or, as he called them, to show that he disliked the phrase—the ‘*real* rights of men.’ He says, ‘If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence.’ The worst that can fairly be said of the Revolution is that it put forward the very same thought in a pedantic form which was open to a thousand objections.

M. de Tocqueville says, with great truth, that the effect of the Revolution was ‘to abolish feudal institutions, in order to substitute simpler and more uniform political arrangements, based on the equality of conditions.’ It was not to produce the equality of conditions, but—that having been already produced, at least to a great extent, by other means—to make political institutions correspond with it. The object of the English Statute Book, from Magna Charta downwards, has been nearly the same.

This is the leading thought of M. de Tocqueville’s book ; and it is very neatly expressed in a review which he wrote, and which Mr. John Mill translated for the *Westminster Review* in 1836. ‘The French Revolution has created a multitude of accessory and secondary things, but of all the things of principal importance it has only developed the germs previously existing. It has regulated, arranged, and legalised the effects of a great cause, but has not itself been that cause.’ This supplies the answer to Burke’s invective. The reason why the French could not

build on their old foundations was that they did not begin their repairs in time.

It is in comparing Burke's practical estimates of particular parts of the French body politic, with the results of M. de Tocqueville's researches, that the surprising shrewdness of the one and the value of the other are most strongly displayed. Burke insists on the general prosperity of France as proof that the Government was not utterly bad ; and he argues that therefore it ought not to have been destroyed. One of M. de Tocqueville's chapters is thus headed : 'That the reign of Louis XVI. was the most prosperous period of the ancient Monarchy, and how that prosperity itself hastened the Revolution.'

After describing the complaints of misery and decay which were common during the half-century which followed the great wars of Louis XIV., he says : 'About thirty or forty years before the outbreak of the Revolution, the spectacle begins to change. . . . Every one is impatient—exerts himself and tries to change his condition. There is a universal effort to improve, but it is a vexed and impatient effort, which makes men curse the past, and imagine a state of things contrary to what they see before them.'

He goes on to show how this spirit affected every department of business—the executive Government, commerce, and the administration of the law. In all directions there was an increase of prosperity, and also an increased humanity in government. Burke's

shrewd passing observation as to levity and want of judgment rather than want of diligence or public spirit being the fault of the Government, is fully corroborated by M. de Tocqueville's detailed inquiries.

After observing that, in 1740, the administrative correspondence is occupied principally with acts of authority, he says of the administration of 1780: 'Its head is filled with a thousand schemes for increasing public riches. Roads, canals, manufactures, commerce are the chief objects of its thoughts. Agriculture, too, attracts its attention. Sully comes into fashion with administrators.'

Why upset such a tolerable system? asks Burke, who, with the sagacity of a practical statesman, saw how tolerable it was. Because, says M. de Tocqueville, with great insight into human nature, 'experience shows that the most dangerous moment for a bad government is generally that when it begins to reform. . . . Evils which were suffered patiently as being inevitable, appear insupportable if the notion of being rid of them is conceived.' As the nation became rich, commercial, and enterprising, it naturally felt the old system of laws to be more oppressive than it had formerly been.

The *droit d'aubaine*, for instance—the king's right to seize the goods of a foreigner dying in France—might be tolerated when it affected no one more important than an unlucky soldier of fortune or an obscure tradesman, but it would be utterly in-

tolerable in the present day, when there are perhaps 20,000 comfortable English people in Paris at a time. So true is it that the hope to improve one's condition, the high spirits excited by prosperity, and the contrast between the existing state of things and the laws which shackle it, are most powerful incentives to revolution, that, as M. de Tocqueville points out, the most prosperous parts of France were precisely those in which the Revolution was most violent. In Paris and the Ile-de-France there was little to complain of. Brittany and La Vendée were full of abuses.

A very similar observation applies to the *noblesse*. Burke observes, with perfect truth, that they had little power in the country and none in the towns; and he adds that the mere possession of hereditary privileges, even if the possessor clung to them with obstinacy, was not a thing to be regarded with horror and indignation.

M. de Tocqueville confirms and amplifies Burke's observation in the fullest way. He shows, in the first place, that at the time of the Revolution serfdom was almost, if not altogether, unknown in France. It existed, if at all, only here and there, in one or two of the German provinces. Indeed, it seems probable that it died out in parts of France earlier than even in England. There had been no serfs in Normandy since the thirteenth century. Not only were most of the crying abuses of French society greatly alleviated, but the peasants had become proprietors.

M. de Tocqueville's researches appear to prove that the state of things of which we hear so much at present is far older than the Revolution. The *morcellement* of the holdings, and the embarrassment of proprietors who bought their property with borrowed money, were the subject of frequent complaint long before the Revolution. What, then, was it all about? Why were the *noblesse* the object of such furious indignation, and ultimately of something like proscription? Burke asks the question as if it were unanswerable, and by way of reducing the Revolution to an absurdity. M. de Tocqueville answers it satisfactorily.

At the time of the Revolution the distinction between the peasant and the *gentilhomme* had become purely conventional: 'In feudal times the *noblesse* were looked on in the light in which we look on the government—the expense which it involved was submitted to because of the security which it gave. The nobles had vexatious privileges and burdensome rights, but they kept order, administered justice, put in force the law, helped the weak, and managed public affairs. As the *noblesse* ceases to do all this, the weight of its privileges seems heavier, and at last its existence becomes unintelligible.'

The *noblesse* ought, according to the institutions of the country, to have been its masters. In fact, they were only proprietors, and all their property was thrown into the most invidious form. The peasants, who ought to have been serfs, were, on the other

hand, landowners, and their property enabled them to feel all the unfairness of the privileges of the *noblesse* in the keenest way. Hence the *noblesse* found themselves in a position at once invidious, helpless, and useless.

Another instance in which M. de Tocqueville supplies the groundwork of a keen observation of Burke's, is in relation to the subject of the administration. Burke, after exposing the absurdity of the new Constitution, remarks that, if it failed, it left nothing but despotism to fall back upon. The remark is perfectly and lamentably true, but it was not altogether the fault of the National Assembly. Men cannot make bricks without straw, and M. de Tocqueville's book shows that there was nothing vigorous left in France except the central administration.

The description of the local administration before the Revolution, and the proof that centralisation in France was far older than Napoleon—that it was the work of Louis XIV., and had been brought during the eighteenth century to a state closely resembling that in which it may now be seen—is the great feature of M. de Tocqueville's second work.

The same thing had been pointed out in a more summary manner in Sir James Stephen's *Lectures on the History of France*, but the extraordinary merit of M. de Tocqueville's book lies in the fact that it gives the result of a vast quantity of exploration at first hand, of the original documents connected with, or

rather constituting, the administration of the country. The history of the growth of the authority of the Intendants, and the specific examples given of the extraordinary power which they exercised, have thrown a flood of light over the whole subject. These researches explain, as it never was explained before, the process by which the *noblesse* were reduced to insignificance, and by which all the barriers between the central power and the mass of the population were thrown down.

The facts which, to Burke, appeared like isolated iniquities or follies, are shown to have been only symptoms of a deep-seated and wide-spread disease, the roots of which were more than a century old.

The most remarkable single instance of this is to be found in an observation of Burke's on a clause of the Constitution of 1790, which was repeated in later Constitutions, and is to this day the law of France, and a chain round the neck of the nation. It exempted public servants from actions for their official conduct without the leave of the Government. On this Burke remarks: 'It is curious to observe that the administrative bodies are carefully exempted from the jurisdiction of these new tribunals. That is, those persons are exempted from the power of the laws who ought to be most entirely submitted to them.' This was most true; but it was equally true, as M. de Tocqueville shows, that this was not an isolated piece of folly on the part of the National Assembly, but a generalisation of a practice which had long



been growing up. It had been usual to withdraw specifically from the cognisance of the ordinary tribunals all suits arising out of Royal edicts, or orders of the Council.

The views of Burke and those of M. de Tocqueville on the literary and religious aspect of the Revolution, complete each other in the same remarkable manner. M. de Tocqueville writes without any special reference to Burke. In their estimate of the writers who influenced France so deeply they cordially agree, though M. de Tocqueville, as usual, explains the philosophy of the phenomenon which Burke merely observed.

The *Reflections* are filled with bitter contempt of the pedantic system-mongers who had 'embowelled' the French, and stuffed them, like birds in a museum, with wretched scraps and shreds of blurred paper about the Rights of Man. M. de Tocqueville shows how it happened that the literature of that age was at once so influential, so pretentious, and so inconceivably ignorant. It was influential, because arbitrary power had turned all the French intellect into that channel. It was pretentious, because it was ignorant, and at the same time conscious of its intellectual vigour. It was ignorant, because the writers were prevented by the Government from acquiring practical experience : 'The condition of these writers prepared men to like general and abstract theories in government, and to trust to them blindly. In the almost infinite distance at which they lived from practical life, no

experience came to temper their natural ardour; nothing warned them of the obstacles which existing facts might oppose to the most desirable reforms; they had no idea of the dangers which always accompany the most necessary revolutions.'

Their animosity to Christianity was a feature which would, of course, attract the attention of every observer. M. de Tocqueville ascribes it entirely to want of political experience, and agrees with Burke in the conclusion that the least degree of practical knowledge would have prevented it.

Two passages from the *Reflections* and the *Ancien Régime* on this subject are strikingly similar. Burke, whilst insisting on the fact that experience had brought Englishmen to reverence religion as the basis of society, says that his experience has lived down scepticism: 'Who, born within the last forty years, has read one word of Collins and Toland, and Tindal and Chubb and Morgan, and that whole race who called themselves free-thinkers? Who now reads Bolingbroke? Who ever read him through?'

After referring, not to this passage of Burke, but in general terms to the Deistical controversy in England, M. de Tocqueville says: 'Why look for examples out of France? What Frenchman in the present day would think of writing such books as those of Diderot and Helvetius? Who would read them? I should almost say, who knows their titles? The incomplete experience which we have acquired in sixty years of

public life has sufficed to disgust us with this dangerous literature.'

The resemblance on this point between these great men deserves notice rather than praise. The question of the truth of a religion, is at least as important as that of its utility, for truth is the highest form of utility, and grapes will grow on thorns, and figs on thistles, before all human life can be founded on a lie. It is the weak point of both Burke and M. de Tocqueville that they never seem to admit that inquiry into the origin of received truths has any value for its own sake. They undoubtedly had some. Mere political experience would not have been sufficient to parry all their attacks. The questions which they raised are still outstanding, and will some day or other imperiously require a solution. The question what is the truth, as far as we can grasp it, about God and the soul, is at least as important, as practical a question for every man as the question what is the nature of Democracy.

This parallel between Burke and M. de Tocqueville might be carried through the whole of their respective books; but the foregoing observations are enough to serve as an illustration of the way in which the keen glance of practical experience sharpened by passion is explained and confirmed by the minute inquiries and mature wisdom of political philosophy.

## X

### ‘THE FEDERALIST’<sup>1</sup>

It is a common reproach against the Americans that, with many opportunities, they should have produced so few books of any real power or originality, nor is the reproach by any means unjust. Since the Declaration of Independence they have had no Franklin, no Hamilton, it might almost be said no Jonathan Edwards—though whether that is a loss is quite another question. On the other hand, they have been faithful enough to the memory of the eminent men whom they did produce in former times. The few remarkable books which were formerly written in America have been made the most of, and have been constantly republished.

The *Federalist* is one of the most important of these, and though comparatively little known in this country, at least of late years, it appears to have been republished continually in America; and a most elaborate edition—as handsome as type and paper can

<sup>1</sup> *The Federalist*. A New Edition, with Notes. London: Sampson Low, Son and Marston. 1864.

make it, and enriched with a preface which discusses at vast length, and with every appearance of great research, every point connected with the authorship of the work, and with the particulars of the editions through which it has run—has lately been published in New York.

The *Federalist* is a book altogether unlike anything in English literature. It is a record of the controversies which attended the establishment of the American Constitution, and may be taken as a manifesto setting forth, on the part of the authors of that measure, the views which presided over their work. As most of our readers are aware, the relations between the thirteen colonies which proclaimed their independence in 1776, were at first regulated by articles of Confederation, by which each State was recognised as an independent body, though certain powers were delegated to Congress.

After the conclusion of the war, the Confederation fell into the greatest discredit, both at home and abroad. It was inefficient to the last degree. Its great leading defect was that each State retained so much power that the Central Government had practically none at all. If it wanted troops or money, it had to make requisitions on the separate States. If they refused to obey, which they often did, there was no remedy except civil war, and the consciousness of this utterly paralysed the Government. The money credit of the United States sank to the lowest ebb, their finances fell into inextricable confusion,

their military force almost disappeared, and the Confederacy seemed likely to fall in pieces from inherent weakness.

In this state of things a Convention met at Philadelphia, in the summer of 1787, to settle the scheme of a general Constitution. In September it was submitted to the States, with a proviso that, as soon as nine of them ratified the Constitution, proceedings should be commenced under it ; and during the latter part of 1787 and the beginning of 1788, the series of letters afterwards collected under the title of the *Federalist* appeared in the New York papers under the signature of ‘Publius.’ Their object was to explain the nature and benefits of the proposed Constitution, and to persuade the States in general, and especially the State of New York, to accept it.

There is, of course, a literary controversy as to the authorship, which those who care for such matters may read about in the preface to the present edition. It appears, however, that, whoever may have written particular papers — there are in all eighty-five — Hamilton wrote nearly three-quarters of the whole, and Jay and Madison the remainder. Jay, according to one account, wrote four, and Madison fourteen, besides three others in which he was assisted by Hamilton. This, however, is a small matter. Substantially, Hamilton may be regarded as the author, as he was also the most active and conspicuous of the authors of the Constitution itself.

It must be admitted that it requires a considerable

effort to read the *Federalist*, especially in the present day. It belongs, as we have said, to a class of literature of which we have hardly any examples in this time and country. For years past our political speculations have been assuming more and more an historical character. We always begin, and very wisely, by examining the motives and circumstances which led to the establishment of a given institution, the way in which in course of time it has been adapted to changes, and its aspect in relation to the existing state of affairs.

The *Federalist* is almost entirely prospective. A great many historical examples are cited in support of the author's theories, but the bulk of it consists of conjectures as to the effects of particular measures recommended by the Convention, and as to the way in which popular objections to them may be parried. These inquiries are in one sense altogether superannuated. The experience of nearly eighty years has shown that many of the objections, and many of the answers to the objections, proceeded upon mistaken views, and has also disclosed many circumstances which the authors of the Constitution overlooked.

But if experience deprives the *Federalist* of interest in one direction, it unquestionably adds new interest to it in another. We are now in a position to form some sort of opinion as to the success of one of the greatest political experiments ever made in the history of the world, and it is in the last degree curious and instructive to compare the history of the experiment

itself, with the anticipations of those who took the chief part in trying it.

The Constitutions of other nations have, for the most part, been made by slow degrees. Rome was built we hardly know how. It gradually became a great power in the world. Its municipal officers became imperial; it passed through all the various changes of growth, maturity, and decay; and at last it passed away from the world, broken down partly by the Church, partly by the barbarians. From its ruins sprang modern Europe with all its varied institutions, put together bit by bit, and transformed from generation to generation in a thousand ways. The case of the United States is almost the only one on record, in which political builders assembled together, and proposed to erect a tower impregnable to the floods which had ravaged the rest of the world, and reaching a long way towards heaven. The *Federalist* is the memorial of those plans and hopes on which history is the comment. It is our object to compare the anticipation with the result.

The first thing that strikes a modern reader of the *Federalist* is the complete absence from it of all those faults which we are apt to consider characteristic of American composition. It is altogether free from the least touch of extravagance and affectation. Indeed, the fault of the style is that it carries gravity almost to the point of stiffness and cumbrousness. In the next place, there is not a word of exultation in it. The writers do not appear to anticipate any sort of



new era, nor are they at all excited by the notion—which in the present day appears ineradicable from American minds—that their country is after all the greatest, the richest, the most powerful in the world. A more sober book never was written, nor would it be easy to mention one which showed more frequent traces, in every part, of the calmness, we might almost say of the austerity, with which experience had led the author to estimate human nature. He obviously thinks that it is what it always was, and that it never was anything very splendid.

Without entering upon minute discussions, the interest of which was transitory, we will try to trace out the broad outline of the problem which lay before the authors of the Federal Constitution as they conceived it, and to show the sort of solution which they wished for, and at which they ultimately arrived. In the first place, they were genuine republicans. They held that, in all governments, sovereignty is (by which word they seem to have meant ought to be) in the people, and that the government enjoys so much power only as the people surrender for the common good.

To Englishmen in general this appears a mere piece of bad rhetoric, and it almost always is so; but in the mouths of Hamilton and Madison it had a distinct and most important meaning, though, as it appears to us, a mistaken one. This meaning was that, in the constitution of a government, the power given to every branch, and to the whole body put together,

ought to be expressly limited, so that there should be no body (like the British Parliament) regarded by law as omnipotent ; and they further considered that, in order to preserve these limits, the power so conferred ought to be divided into different departments—executive, legislative, and judicial—as nearly as possible independent of each other.

This doctrine, the result of the somewhat hasty and incomplete political and social theories of the eighteenth century, had immense practical consequences. By drawing a sharp clear outline round each man's sphere of authority, and round the sphere of the authority of the Government itself taken as a whole, it greatly diminished the moral checks upon power.

Assume that a ruler is a mere agent for a limited purpose, and practically remind him of this by hemming him in on all sides with legal restraints, and he ceases to feel himself responsible for the condition of the country, and becomes, by the nature of the case, a party man, acting for the interests of his masters—those, namely, who put him where he is. Deal with power simply as an existing fact, lay down no propositions at all about its origin, leave its precise extent undefined, and you not only provide a reserved fund of vigour which on great occasions may be capable of efforts essential to the preservation of the community, but you invest the holder of this authority with characteristics which, both in his own eyes and in the eyes of others, put him under moral obligations

to the community at large, far stronger than the legal obligations which restrain a mere official, and far more wholesome than the moral obligations which bind a man to his party.

An hereditary King, or a President for life with the power of a King, would have been an unspeakable blessing to the United States at the time of their civil war. The indefinite fear of a possible revolution would have given the public a much stronger hold on him than the definite fear of not being re-elected gives them over their President, and the consciousness that he was the head of a great nation, would have been a very different thing, to a generous mind, from the consciousness that he was the head of one of the parties in the State.

A subordinate object, which the authors of the Constitution appear to have considered most important, was to comply with Montesquieu's maxim that the legislative, judicial, and executive powers should be properly divided. A considerable part of the *Federalist* is filled with arguments to show that this maxim had not been violated, at least in its spirit. It is a singular proof of the power which abstract speculation exercises, and especially of the power which it exercised in America eighty years ago, that this objection appears to have been most popular and effective, and that the authors of the Constitution seem to have felt themselves greatly concerned to give it an elaborate answer.

Considering that all the three sets of powers were

by the theory, and also by the practice, of the Constitution, vested ultimately in a body so numerous that it may, without much practical inaccuracy, be described as the bulk of the population of the United States, the question seems to have been treated with undue attention. There is, however, a vast deal of ingenious speculation on the subject, the merits of which can hardly be estimated without an acquaintance which an Englishman can hardly be expected to possess with the actual working of the Constitution.

Subject to the general principle of republicanism, which lies at the bottom of the whole Constitution, and also to the division of power to which so much importance was attached, there can be little doubt that the object of the authors of the Constitution was to make the Federal Government as strong as possible, and to reduce the rights of the individual States within the narrowest limits. The great difficulty which they had to encounter was in the jealousy with which the individual States viewed infringements on their authority, and the most interesting part of the book to modern readers is the light which it throws on this part of the subject.

It is very remarkable that the writers in the *Federalist* appear unable to find any distinct objection to their plan with which to grapple. Their general line of argument is that the inefficiency of the existing Confederacy is an admitted fact; that the only way in which its inefficiency can be remedied is by constituting a national Government, acting directly upon

individuals within the sphere of its authority, and not, as the old Confederacy did, upon States ; that it is also admitted that the thirteen colonies are, if possible, to form one and not several nations ; and that from all these admissions it follows that some such scheme as the one proposed must be adopted.

The rest of the book is occupied with detailed explanations of particular parts of the scheme, and with answers to special objections. This argument was practically irresistible, and it prevailed ; but it is obvious, not only from the *Federalist*, but from other sources, that it prevailed in spite of misgivings which were not at all the less real or important, because they appear to have been somewhat indefinite.

It would appear as if those who objected to the Union were unable to tell from what quarter the storm was to come, or in what way the Constitution was to enable it to act ; but they seem to have felt that there was something wrong—that a central authority such as it was proposed to set up would, somehow or other, and at some time or other, contrive to tyrannise over the individual States. The principal jealousy was directed against the Government. It was supposed that Congress, that the Senate, that the President would tyrannise. There is a grave argument in one place to show that a two-years' tenure of power would not give the members of Congress a dangerous influence.

To this the writers of the *Federalist* reply by detailed arguments applied to specific parts of the scheme.

They show how little is to be feared from Congress, from the Senate, from the Judges, from the President. Their tone throughout is that of people excusing themselves for being so aristocratic, and setting up officers whose authority may at first sight appear liable to abuse. They explain that the officers of the Union are not really so formidable as they look; but it is sufficiently obvious that they would have liked, had they ventured to do so, to give more power to the Government, and that they did, in fact, go as far in that direction as the temper of the times would permit.

They treat from time to time, and as much apparently as they dare, of the danger of the tyranny of Legislatures, and especially of the tyranny of one part of the nation over the other—an evil against which they hope to guard by the great diversity of interests existing in the Union. This they hope will prevent any majority from combining for the purpose of oppressing a minority. From the beginning of the book to the end of it there is hardly any mention of slavery. It is, indeed, referred to with the strongest disapproval in connection with the clause which gave the slave-owners votes for three-fifths of their slaves. The Northern States considered this unfair, as giving the South an undue advantage in elections, but throughout the whole discussion it never seems to be supposed that questions connected with this subject would produce any quarrel between the States. The diversity of commercial interests is the only one to which the writers refer.

Stated in the most general way, the drift of the *Federalist* may be described somewhat as follows: Do not be afraid that this scheme of government which we offer you will injure your State rights. It may look formidable. It has, no doubt, that amount of power which is essential to efficiency; yet, for this, that, or the other reason, it will not oppress you or any of you, and it will make the United States into a great and free republic—one, for all purposes for which unity is desirable, many, for purposes for which multiplicity is more convenient.

Till within the last few years, the Constitution was supposed to have stood the test of experience, and was regarded in America with passionate admiration, as a perfect masterpiece of human sagacity. Of late it has been the fashion to regard it as a failure. The question whether either of these views is even proximately just is a very hard one.

The great leading feature in American history—a feature which is not the less important because it is constantly lost sight of—is that, just at the time when the country gained its independence, and completed its arrangements for government, an age of discoveries began which poured such a flood of men and money into the continent, then lying almost entirely vacant, as was never before in the history of mankind poured into any part of the world. The prodigious and almost fabulous rapidity of the progress of the country in all kinds of wealth, protected its institutions from the strain which might

otherwise have been put upon them, by turning the whole souls of the people towards the great object of devouring, as rapidly as possible, the enormous and almost illimitable meal which had been prepared for them.

During the whole of this period the Constitution worked excellently, and this—though people were inclined to forget it in the excitement of the civil war—is no small praise. If the reclaiming of enormous wildernesses, the providing of an outlet for the surplus population of Europe—the production, in a word, of boundless wealth in every conceivable form—is a good thing, then the Constitution was a wise measure, for there can be no sort of doubt that the adoption of it contributed in the most direct and powerful manner to all these results.

It certainly did, to a great extent, form the whole country into one nation, and to a great extent contributed to its prosperity. The great thing which it did was to set up a King Stork, having direct power over individuals, for the old King Log who could do nothing but make requisitions upon States.

Whether the elaborate machinery of the Constitution was as beneficial as the leading principle of the measure itself, is quite another question. Some parts of it undoubtedly have altogether broken down. For instance, the election of the President by electors chosen by the people at large was supposed to be a security for the appointment of men of high character and ability. The security turned out to be



worthless, inasmuch as for many years past, the electors have always been so completely pledged before their election that they might as well be dispensed with altogether.

It was hardly just to regard the civil war as proof of the failure of the Constitution. It could hardly have been foreseen. The Constitution no doubt did leave unsolved the great question as to the right of secession. The question whether or not, under the Constitution, construed as a legal document, the States had a right to secede, is about as ingenious a puzzle as any other question as to the meaning of a studiously ambiguous document. There are some things in it which look as if the States had such a right, and others which look as if they had not. The *Federalist* does not discuss the question at all. It once alludes to it in connection with the old Confederacy, the infirmities of which it ascribes in great measure to the want of any ratification by the people.

The old Confederacy was ratified only by the State Legislatures, and this, says Hamilton, 'has in some instances given birth to the enormous doctrine of a right of legislative repeal. Owing its ratification to the law of a State, it has been contended that the same authority might repeal the law by which it was ratified. However gross a heresy it may be to maintain that a party to a compact has a right to revoke that compact, the doctrine itself has respectable advocates,' etc.

This is the only reference contained in the *Federalist*

to the great question which has since convulsed the whole Union. It must, in all probability, have occurred to the authors of the Constitution. Probably they did not deal with it because they felt, that to give or withhold the right in question would be inconsistent with the whole character of their plan. To withhold it expressly would have been equivalent to destroying all chance of the ratification of the Constitution by the States. To give it expressly would have been to put the Union at the mercy of every one of thirteen bodies, all liable to caprice. They therefore took their chance, and left the question outstanding, in the hope that it might never be necessary to solve it. The result ought not to be charged upon them too heavily. If there had been no Constitution there would, it is true, have been no civil war ; but it is very doubtful whether Europe would ever have been relieved of the pressure of a starving population, and whether America would have been cultivated as it has been, for a century to come. Who can strike the balance of such an account ?

## XI

### TOM PAINE<sup>1</sup>

TOM PAINE is one of those writers who have been, as it were, gibbeted by a not very remote posterity. Probably hardly any one opens his works; no one takes the trouble to know much about his life; he survives in the memory of men as a kind of disreputable ghost, who, having ignominiously failed in an assault, as hopeless as it was wicked, on all that men hold most sacred, does not deserve even that slight amount of respect which would be implied in calling him Thomas. He is, and always will be, Tom—the wretched uneducated plebeian who dared to attack Church and State. In our days, indeed, he is chiefly an awful example. The ribaldry of Voltaire, the polished sneer of Gibbon, and the coarse brutality of Tom Paine, usually swing at one end of the see-saw, the other end of which supports Locke, Boyle, and Newton, weighted also with appropriate epithets.

Paine, however, once attracted great attention, and was a real live monster whom it was thought

<sup>1</sup> *The Theological and Political Works of Thomas Paine.*

creditable to kill. Lady Hester Stanhope, if we are not mistaken, says that her uncle Pitt used to speak of him as being both very able and perfectly consistent; and he himself boasts, in the second part of the *Rights of Man*, that between forty and fifty thousand copies of the first part had been sold in the United Kingdom. His works have therefore something of an historical interest, and it is worth the while of those who care for the history of past controversies to look a little into them.

Paine's reputation, such as it is, rests upon three performances—*Common Sense*, published in 1776; the *Rights of Man*, in two parts, published respectively in 1791 and 1792; and the *Age of Reason*, in three parts, published in 1793, 1795, and 1807. Besides these, he published a variety of other pamphlets of much inferior interest, relating principally to the American politics of the day. His most considerable performances by far are those which we have named.

Perhaps the most characteristic passage in the whole of his works, and certainly the one which throws the greatest light on their nature, is to be found in the first part of the *Age of Reason*. That strange performance was written under the solemn sanction of imminent danger to life; for Paine, whilst he was writing it, expected to be guillotined, and he was actually arrested within six hours after its conclusion. Towards the end of it he gives an account of his life and of the growth of his opinions, and this enables

us to understand clearly enough what sort of man he was.

‘My father,’ he says, ‘being of the Quaker profession, it was my good fortune to have an exceeding good moral education and a tolerable stock of useful learning.’ He was sent to a grammar-school at Thetford, but learnt no Latin, ‘because of the objection the Quakers have against the books in which that language is taught.’ He adds, ‘The natural bent of my mind was to science. I had some turn, and I believe some talent, for poetry.’

He gives, by the way, a singular specimen of his poetical gifts in a note to another part of the *Age of Reason*, which contains an elaborate argument to prove that the Hebrew prophets wrote poetry. ‘To show that these writings are composed in poetical numbers, I will take ten syllables as they stand in the book, and make a line of the same number of syllables (heroic measure) that shall rhyme with the last word. It will then be seen that the composition of these books is poetical measure.’ It does not seem to have occurred to him that any one could see it without his help. ‘The instance I shall produce is from Isaiah—

Hear, O ye heavens, and give ear O earth,  
‘Tis God himself that calls attention forth.’

It does not appear to have struck him that ‘The *Age of Reason* written by Tom Paine’ is a very good heroic line, or that ‘An out-ride officer in the Excise, under

the name of fifty pounds a year,' to take another example from his own works, is a couplet.

He appears to have studied mathematics with attention, and to have derived from them the only real cultivation that his mind ever received. He speaks of mathematics, however, with the same awkwardness as of poetry : 'The scientific principles that man employs to obtain the foreknowledge of an eclipse, or of anything else relating to the motion of the heavenly bodies, are contained chiefly in that part of science which is called trigonometry, or the properties of a triangle, which, when applied to the study of the heavenly bodies, is called astronomy ; when applied to direct the course of a ship on the ocean, it is called navigation ; when applied to the construction of figures drawn by rule and compass, it is called geometry ; when applied to the construction of plans of edifices, it is called architecture ; when applied to the measurement of any portion of the surface of the earth, it is called land-surveying. In fine, it is the soul of science ; it is an eternal truth ; it contains the mathematical demonstration of which man speaks, and the extent of its uses is unknown.' There is a clumsy perversity about calling geometry a case of trigonometry which is thoroughly characteristic of Paine.

With this degree of education Paine combined, from his early childhood, a profound aversion to Christianity as commonly understood. 'When about seven or eight years of age,' he heard a sermon on

the Atonement: 'After the sermon was ended I went into the garden, and as I was going down the garden steps (for I perfectly recollect the spot) I revolted at the recollection of what I had heard. . . . This was not one of those kind of thoughts that had anything in it of childish levity; it was to me a serious reflection. . . . I believe in the same manner to this moment; and I moreover believe that any system of religion that has anything in it that shocks the mind of a child, cannot be a true system.'

This is a very remarkable passage, and shows the strong side of Paine's mind. He had many and great faults, yet it is but bare justice to him, and to his Quaker education, to remember that he had also the great merit of implicit obedience to the dictates of his own conscience, though that conscience might be, and no doubt was, very ill-instructed on many points. The Quaker doctrine of the Inner Light, and the Quaker contempt for external authority, whether in books or men, as being cardinal ordinances, lay at the bottom of Paine's character, and led him by an easy transition to be a dogmatic Deist and Republican.

He says himself: 'The religion that approaches the nearest of all others to true Deism, in the moral and benign part thereof, is that professed by the Quakers; but they have contracted themselves too much by leaving the works of God out of their system. Though I reverence their philanthropy, I cannot help smiling at the conceit that, if the taste

of a Quaker could have been consulted at the creation, what a silent and drab-coloured creation it would have been.'

Such was Paine: a vigorous, sturdy snob (the word must be excused, for it exactly describes the man), with a slight education, principally mathematical, with strong conscientious feelings of a narrow kind, and with a creed which led him to revolt against all established beliefs, and to cling to his own views with all the vehemence of a dogmatist. No kind of man can be more vehement, more impatient of compromise, more prejudiced against all English institutions, and more inclined to view them with hearty dogmatic dislike, than a Quaker broken loose from his creed. Paine is not the only person of that description known to our history, and a considerable resemblance to his sentiments is to be found in those of men who have not been brought by circumstances into such marked collision either with the political institutions, or with the religious belief, of their country.

Let us now turn from the man to his writings. The first of them which attracted much attention was *Common Sense*, dated at Philadelphia in 1776. It is a furious attack on the English Constitution, followed up by a view of the state and prospects of America. It shows a shrewd, keen appreciation of the state of things then existing, mixed up, however, with a fierce indignation against England and things English, which it is still painful to read because it is impossible not to



recognise in them the expression of a feeling which the whole system of our government had created in Paine's mind, which it must have created in the minds of many others like him, and which, whatever our national partiality may say to the contrary, it does still excite to a considerable extent in a far larger number of persons than would generally be supposed.

It ought never to be forgotten that, though Reform has triumphed over Revolution in this country, there always was, and still is, a revolutionary section of the community. Indifference to the history and cordial dislike to the institutions of this country, and passionate admiration for the United States, in which their principles triumphed and permanently established themselves, are the characteristics of this party.

No one displays them with so hard an outline or puts upon them so keen an edge as a Quaker sufficiently emancipated from the principles of his sect to take part in political life, and yet sufficiently under its dominion to retain the unexpressed conviction that the existing institutions of mankind, their governments, their laws, their wars, their glories, and their literature, all rest on an unsound 'carnal' foundation, and ought to be replaced from top to bottom by institutions founded on those thin notions of morals and politics into which Quakerism develops itself when it passes from the passive into the active and dogmatic stage.

The great object of *Common Sense* is to wean the Americans from that pride in England, and things

English, which still survived the outbreak of hostilities in very many of them, and which still led a considerable party to consider reconciliation as a possible and desirable event. Paine's object is to show that the badness of the English Government, and the brightness of their own prospects, made such a reconciliation altogether undesirable, even if it had been possible.

He begins with a remark, which is certainly profound and contains much truth, that society is not to be confounded with government, and that, whilst the former is good in itself, the latter is at best a necessary evil. He then goes on to examine the English Constitution, which he says consists of 'the base remains of two ancient tyrannies—Monarchical tyranny in the person of the king, Aristocratic tyranny in the persons of the peers—compounded with some new republican materials.' He then enters upon a fierce attack on kings in general, which is supported oddly enough by many texts of Scripture, and is as fierce, ignorant, and brutal as any composition needs to be. 'Could we,' says he, 'trace kings to their first rise, we should find the first of them nothing better than the principal ruffian of some restless gang, whose savage manners or pre-eminence in subtility obtained him the title of chief among plunderers,' etc. etc.

If Paine had read Homer and Hesiod in his youth, instead of filling his mind with the belief that trigonometry and his own notions of right and wrong were the sole measures of all things external and internal, he might have learnt a very different lesson

as to the light in which the earliest kings, the 'shepherds of the people,' were regarded. Nay, if he had read the Bible with an open mind, he would scarcely have thought or spoken so hardly of the patriarchs who are the earliest princes described there. To call Abraham 'the principal ruffian of a restless gang' would be a marvellous abuse of language on any hypothesis as to the book of Genesis.

Of the English monarchy, in particular, he speaks with furious hatred and contempt. It was founded in robbery at the Norman Conquest. It inflicted on the nation a long course of miseries, and it had arrived, when he wrote, at a state of degraded uselessness: 'In England the King hath little more to do than to make war and give away places; which, in plain terms, is to impoverish the nation and set it together by the ears. A pretty business, indeed, for a man to be allowed eight hundred thousand sterling, and worshipped into the bargain! Of more worth is one honest man to society than all the crowned ruffians that ever lived.'

This indignant account of the English Government is followed by an argument to show how unfit England was to govern America, and how much better independence and union would be than reconciliation. A constitution is rapidly sketched out, the immense resources of America are dilated on, and the whole subject is handled in a way which culminates at last in the following memorable words: 'Should an independency be brought about by the legal voice of the

people in Congress, we have every opportunity and every encouragement before us to form the noblest, purest constitution on the face of the earth. We have it in our power to begin the world over again. A situation similar to the present hath not happened since the days of Noah till now. The birthday of a new world is at hand, and a race of men, perhaps as numerous as all Europe contains, are to receive their portion of freedom from the event of a few months.'

These words ought not to be forgotten by those who continually put forward the French Revolution as the great crisis of modern history. The American plant is older, healthier, and far more successful, and endowed with much greater powers of reproduction. The history of the last century has, no doubt, shown that Paine's estimate of the institutions of his own country was ignorant, narrow-minded, and false; but if he were still alive, it cannot be denied, that he would be able to point to the great career of the United States as a confirmation of the positive part of his teaching, and to say that, in so far as he had erred about England, his error lay in underrating the degree in which his own principles would be practically recognised and acted upon by the English people and Government. The history of the British Constitution for the last three generations has been in many respects glorious, but it has not been a history of the growth of the powers of monarchy or aristocracy.

Paine's minor American pamphlets are not worth reading, but this cannot be said of the *Rights of Man*. It is a fierce answer, from the ultra-democratic point of view, to Burke's *Reflections on the Revolution in France*. The first part was published in 1791, and the second in 1792. The second part was made the subject of a prosecution. Paine, though defended by Erskine, was instantly convicted, and was outlawed on his conviction. His publisher, Eaton, was also prosecuted, but was acquitted; the jury finding him 'guilty of publishing, but with no malicious intention.'

On reading the two performances at this interval of time, and at a distance from the fierce passions which they both represented and excited, it must be admitted that Burke used much the harder language, and was far the more violent of the two. He wrote like a man of genius and an experienced statesman thrown off his balance by furious indignation. Paine writes with a sort of dogged prosaic zeal, without a touch of the fancy or enthusiasm which distinguished his antagonist. Here and there he indulges in a clumsy floundering joke.

For instance, he says: 'If governments, as Mr. Burke asserts, are not founded on the Rights of Man, and are founded on any rights at all, they consequently must be founded on the rights of something that is not man. What, then, is that something? Generally speaking, we know of no other creatures that inhabit the earth than man and beast, and in all cases where only two things offer themselves, and one must be

admitted, a negative proved on any one amounts to an affirmative on the other ; and therefore Mr. Burke, by proving against the Rights of *Man*, proves in behalf of the *Beast*, and consequently proves that Government is a Beast ; and as difficult things sometimes explain each other, we now see the origin of keeping wild beasts in the Tower ; for they certainly can be of no other use than to show the origin of the Government. Oh, John Bull ! what honours thou hast lost by not being a wild beast,' etc.

There is a certain amount of this sort of stuff in Paine's other writings, especially in the *Age of Reason*, and a very little would no doubt be enough to gain him the reputation for stupid and gross vulgarity and profanity which is associated with his name ; but there is much more than this in his writings. The greater part of the *Rights of Man* is made of very different material. He has a square, solid, lawyer-like theory to which he sticks like a leech, and which he contrasts, with much emphasis and considerable effectiveness, with the state of things then existing in England.

There is a great deal of coarseness and abundance of ignorance in what he has to say, and every part of the work is pervaded by the fundamental fallacy which vitiated so much of the speculation of the day, and which threw Burke into paroxysms of rage unworthy of his great intellect and wide experience—the fallacy of supposing that it is possible to justify particular measures by alleging the truth of general

principles, which, after all, are only the particular measures put in an abstract shape.

This is, at bottom, the fallacy of *idem per idem*. There is, indeed, no branch of speculation in which Mr. Mill's observation on the syllogism is more to the point than in politics. Take, for instance, the first Right of Man. 'Men are born, and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.' To say nothing of the bad logic of the last sentence (in which it would seem 'not even' ought to be substituted for 'only'), this is equivalent to an assertion that all Englishmen, all Frenchmen, all Germans, all Chinese, etc., were born, and always continue, free and equal. But the object was to prove the iniquity of the French system of privileged orders. Now, if all Frenchmen are asserted in the major proposition to be born, and to continue, free and equal, the minor and the conclusion are mere repetitions.

This and other philosophical refutations of the Rights of Man have been so often insisted on that they may be taken for granted. We are more in danger of forgetting the strong side of such affirmations. If the National Assembly had said, 'The existence of privileged classes is injurious to the French nation, and is greatly resented by the bulk of the French people, and we will therefore destroy those privileges,' they would have spoken plainly, and to a great extent truly; and there can be no doubt

that they would have made good their words, or that the counter-propositions of many of those who condemned them as incendiaries and cut-throats, would have been quite as unphilosophical, and a great deal more pernicious in practice.

Indeed, if any one will go through the Seventeen Rights of Man, regarding them not as philosophical axioms but as general rules for legislators, he will find it very hard to deny that, like the *Book of Homilies*, they contain a good and wholesome doctrine, and one fit for the times, though it was greatly controverted.

If proof of this is required, let us imagine legislation proceeding on the opposite principles, as thus: 'Freedom is a bad thing, and restraint a good in itself. Mankind is divided into classes, the distinctions between which are immutable and ought never to be violated.' 'Certain individuals and bodies of men—to wit, the existing kings of European countries and the existing aristocracies—are entitled to the authority which they at present possess, whatever use they may make of it, and the rest of mankind has no other duty but that of obedience to them.' 'Men ought to be molested on account of their opinions, especially on account of their religious opinions, and that whether they disturb public order or not, if the constituted authorities dislike them.'

If we wish to do justice to the revolutionists of the last century, we must remember that their declarations of the Rights of Man and other dithy-



rambs were levelled not against calm Benthamite philosophers, or English constitutional lawyers nourished on the Bill of Rights and the Habeas Corpus Act, but against gross tyrannies which had been in the memory of living men as fierce and cruel as became their principles. First principles of all kinds are bad things, but we infinitely prefer the Rights of Man to the doctrines of De Maistre and Bonald, or even to the *Politique tirée de l'Écriture Sainte*.

The real objection to Paine's pamphlet lies, not in its vindication of the French, but in its stupid and ignorant attacks on the English Constitution. Even in them, however, there was some degree of truth. He was quite right in saying that England has no constitution at all, in the American sense of the word. He would also have been right, we think, in denying that Burke appreciated this fact fully, or at all events stated it fairly, though he was wrong in accusing him rudely and coarsely of concealing it.

The question whether or not it is a good thing to have a constitution, in that sense of the word, was far too delicate, and required far too much historical knowledge, to be treated by an illiterate partisan like Paine. We doubt, however, whether justice has been done in this country to his side of the question. A calm discussion of the question whether experience is in favour of the Sovereignty of the People, and written constitutions, would be extremely interesting, and by no means so one-sided a matter as many

people suppose. The *Federalist* throws some curious light on the question, which is by no means a mere affair of oratory and metaphor.

It is strange in these days to read the proceedings against this work, and to see, that the points seized on for condemnation, are mostly historical and abstract. For instance, Paine called the Bill of Rights a Bill of Wrongs and Insults, and described the Revolution of 1688 in a very uncomplimentary way; and these, amongst other things, were viewed, not as errors or extravagances, but as crimes to be punished by law.

The work by which Paine will probably be longest remembered is undoubtedly the *Age of Reason*. There is nothing very remarkable in the book itself, but many circumstances connected with it are exceedingly singular. It is a pamphlet in three parts, published respectively in 1793, 1795, and 1807. The substance of the first part is a fierce attack on the whole scheme of Christian theology as usually propounded, and an equally vehement assertion of the principles of Deism. There is little in it that deserves notice except the remarkable history of Paine's own mind, to which we have already shortly referred. The rest consists of coarse objections, to the coarsest and rudest way of stating particular theological doctrines, and of an ardent and obviously sincere glorification of physical science as 'the Word of God,' the true means by which a real knowledge of God may be obtained.

It is only just to Paine to say that, in theology

as well as in politics, the positive side of his belief was the foundation, and the negative merely a super-structure. He was coarse, violent, ignorant, and unmannerly to a degree, whatever was the subject in hand, but he was a thoroughly sincere Deist, and a man who believed with vehemence in the teachings of his own conscience; and these things ought to be borne in mind when we try to form an impartial estimate of his character.

The first part of the *Age of Reason* is, in an intellectual point of view, altogether undeserving of notice. It is a violent and vulgar repetition of what had been better said by scores of other writers. It is obvious also that it was written *currente calamo*, and without time either for consideration, or reference to the commonest authorities. He says in one place: 'I insert the 19th Psalm as paraphrased by Addison into English verse. I recollect not the prose, and where I write this I have not the opportunity of seeing it.'

He gives, indeed, in the preface to the second part, the history of the composition of the first. He began the work towards the end of 1793, being then a member of the French Convention, and apprehending his own arrest and execution. A motion had been made which pointed against him, and he says: 'Conceiving after this that I had but a few days of liberty, I sat down and brought the work to a close as speedily as possible, and had not finished it more than six hours, in the state it has since

appeared, before a guard came there about three in the morning . . . and conveyed me to the prison of the Luxembourg.'

Whilst in prison, he says: 'I was seized with a fever that in its progress had every symptom of becoming mortal, and from the effects of which I am not recovered. It was then that I remembered with renewed satisfaction, and congratulated myself most sincerely on having written, the former part of the *Age of Reason*. I had then but little expectation of surviving, and those about me had less. I know, therefore, by experience, the conscientious trial of my own principles.'

In his famous reply to the *Age of Reason*, Bishop Watson refers to this passage, and says that he fully believes in Paine's sincerity. It is, indeed, impossible for any one who can recognise the expression of genuine dislike and mental hostility to a dominant system or creed not to do so. The first part of the *Age of Reason* ought to be regarded as a kind of last dying speech and confession of a revolutionist, who maintained to the end the principles in which he had conscientiously lived.

It would be both useless and wrong to deny that, in the midst of its coarse and ignorant ferocity, there is a certain fuliginous magnanimity about it which is by no means destitute of impressiveness. It is also right to remember that there are ways of putting Christian doctrines which do revolt the conscience, and which provoke honest men to deny the matters

proposed. It would not be difficult to find parallels for much of Paine's language in the writings of divines in considerable credit. The difference between them lies in the fact, that they maintain that the doctrines which they agree with Paine in considering immoral, are not a part of Christian theology.

The positive part of Paine's creed, the belief in a good God, is held by every one who claims the name of a Christian; and it is very striking to see how this forms the foundation of his belief, and the main-spring of his general confidence in himself and his opinions. It would be useless to illustrate further, and in connection with topics of such a nature, the ignorance, the coarseness, and the unbridled vehemence of his language and ways of thinking.

The second and third parts of the *Age of Reason* are directed specifically against the Bible. He remarks, in his preface, with singular *naïveté*: 'They will now find that I have furnished myself with a Bible and Testament, and I can say also that I have found them to be much worse books than I had conceived.'

This remark gives the exact measure of the value of the book. If a man deeply prejudiced against the existing order of things, endowed—to use Bishop Watson's language—with 'a considerable share of energy of language and acuteness of investigation,' and destitute of almost every kind of collateral knowledge, were to go into a bookseller's shop, buy an English Bible, and, taking it for granted that it must

either be a blasphemous forgery from end to end, or else absolutely true and perfect in every part from end to end, were to begin to establish the first half of the alternative by picking holes in it, he would write just such a book as the second part of the *Age of Reason*.

Paine hardly seems to be aware of the fact that anybody before himself had ever handled the subject at all, and he seems also to have thought that he had finally disposed of it. At the end of his observations on the Old Testament, which fill a little more than sixty octavo pages, he says: 'I have now gone through the Bible as a man would go through a wood with an axe on his shoulder and fell trees. Here they lie, and the priests, if they can, may replant them. They may perhaps stick them in the ground, but they will never make them grow.'

It is needless to give illustrations at any length of the indiscriminate fury and vehemence with which Paine wrote. He says, for one thing, that the book of Job is the only book in the Bible 'that can be read without indignation and disgust.' He speaks of Isaiah as 'one continued, incoherent, bombastical rant, full of extravagant metaphor, without application and destitute of meaning.' In a word, it never seems to have occurred to him that there was any difference between the age of the Kings and Prophets and his own, or between their ways of expressing themselves and his.

The brutal, savage way in which Paine wrote

about the Bible is as discreditable to his feelings as to his knowledge and judgment; but it must be owned that he raised, though in an ignorant and furious manner, the principal points which had attracted the attention of better informed writers long before his time, and which have been abundantly discussed since.

Though he not only knew no Hebrew, but probably hardly knew that there was such a language, he notices the difference of phraseology which has lately been made so famous in connection with the discussion about the Elohist and Jehovist documents. He also put his finger upon many of the passages which have been relied upon by one school of writers from the days of Spinoza downwards, to prove that the Pentateuch was not written by Moses, and he makes observations as to the composition both of Isaiah and Jeremiah which are to be found in the writings of much better scholars—Bishop Kidder, for instance. This, of course, exposed him to the obvious remark that all his objections were old—an argument which has the disadvantage of not showing, or tending to show, whether or not they were well founded.

The plain truth is that, if a man wants to make an attack on the Bible, the topics lie close to his hand, and can hardly escape him, even if he has no other critical apparatus than a reasonably good translation. The great question is, what upon the whole, and after taking account of these adverse

criticisms, people in general, at a given time, decide to think of the Bible, and of the religion which is so intimately connected with it. The outline of the case on the one side, and on the other, has been before the world for an indefinite time. Each age pronounces its general verdict by its actions, and in order to influence mankind deeply and permanently something very different is required from Paine's Old Bailey brutality.

The *Age of Reason* naturally suggests, by way of contrast, Bishop Watson's celebrated answer to it. It certainly is a masterpiece of style, and is well worth reading, if only for the sake of seeing how intensely bitter it is possible to be by the force of elaborate politeness. Watson writes like an accomplished and very clever college don who, by the force of circumstances, finds himself obliged to meet a pothouse orator upon equal terms. He instinctively appreciates the exigencies of the case, and writes with a sort of splendid courtesy and candour which must have stung his antagonist to the very soul.

To say that he fully answers all the difficulties which Paine starts would be untrue. They are, and will long continue to be, the subject-matter of one of the broadest and deepest controversies in the world ; but it is quite true to say that he gave the answers, which at that time were supposed to be the proper ones, in a way which showed conclusively that he was a most accomplished gentleman and scholar, and that Paine was coarse, brutal, grossly ignorant, and in the



last degree rash and presumptuous. In our own days some of Paine's theories are advanced in a very different manner from his, and are defended by weapons which he did not know how to use; but, with every respect for the Episcopal Bench, we know of no living bishop who can write like Watson.

## XII

### BENTHAM'S 'THEORY OF LEGISLATION'<sup>1</sup>

MR. HILDRETH'S translation of Dumont's translation of Bentham's great work, is satisfactory as a proof of the interest which the work itself still excites. Mr. Mill has observed that Coleridge and Bentham represent, in this country and in the present generation, the two lines of thought between which speculation continually oscillates, and that, in order to understand fully the course of opinion for the last fifty years, it would be necessary to reach a point of view from which the principles of each could be contemplated in an easy and natural manner.

We should doubt whether this remark did not attach too much importance to Coleridge, and whether it was not rather for want of a more conspicuous writer on that side, than on account of his inherent power, that Mr. Mill attached so much importance to his writings. In one qualification of a great writer

<sup>1</sup> *Theory of Legislation*. By Jeremy Bentham. Translated from the French of Etienne Dumont by R. Hildreth. Trübner: 1864.

he certainly failed. He left behind him no one great book, and his disciples are compelled to elicit his doctrines, by laborious examinations and comparisons, from a vast mass of *disjecta membra*, instead of being able to point to any single work as a standard exposition of his characteristic views.

The same observation applies, to some extent, to Bentham. Many, if not most, of his books are more or less fragmentary and unfinished, for he was both laborious and idle. He seems to have delighted in pondering over a subject, and laying out any amount of labour in inventing schemes and classifications about it, but the task of throwing what he had thus thought out, into a shape in which it might become acceptable to the rest of the world, was barely tolerable to him. Hence, with the exception of a few minor works, like the fragment on Government, and the tract on Usury, such of his books as were not manipulated by Dumont, still remain in their original chaos. Elaborate works, such as the *Rationale of Judicial Evidence*, are left in a state so disorderly and vexatious, that they remind the reader of houses which have fallen into ruin without having been ever inhabited—the speculation of an unlucky builder. The scaffolding is not removed. The walls have never been painted or papered, and in many places the rafters and joists have not even been concealed by plaster.

The work which M. Dumont cleaned, washed, and translated into French, and which Mr. Hildreth has

retranslated into English, is the great exception to this. It represents Bentham's cardinal doctrines in a manner at once complete and authentic, and it applies them, with precision and detail, to the most important of the subjects to which they relate. Its general drift may be thus summed up. The test of the morality of all actions is their tendency to produce pain or pleasure. A benevolent legislator will make his laws with a view to the promotion of pleasure and the diminution of pain, and careful analysis shows that no other object for laws can be distinctly enounced and avowed, which will command the assent of any considerable body of men, sufficiently well instructed to understand their own interests and to know their own strength.

Having laid this foundation, with a power of thought and a humorous force of language which are considerably diminished by translation, Bentham proceeds to analyse pleasure and pain. There are fifteen kinds of pleasure—namely, pleasures of—1, The Senses; 2, Riches; 3, Address, *i.e.* skill; 4, Friendship; 5, Reputation; 6, Power; 7, Piety; 8, Benevolence; 9, Malevolence; 10, Intelligence; 11, Memory; 12, Imagination; 13, Hope; 14, Association; 15, Comfort. There are eleven sorts of pain, which for the most part are the converse of the fifteen pleasures. These pains and pleasures are connected with particular actions, so as to constitute rewards or punishments in four ways—namely, physically, the pain of a cut or burn; morally, the

pain of being blamed ; politically, the pain of being imprisoned ; religiously, the pain of fearing future punishments. Thus we get four sanctions—the physical, the moral or popular, the political, and the religious. This is the groundwork both of morality and legislation, which differ from each other, ‘not by their centre, but by their circumference.’

Legislation, however, has in fact been much misunderstood, and laws have been continually made upon false principles. In a chapter which was afterwards expanded into the well-known volume on *Fallacies*, Bentham exposes these false assumptions, with that air of crushing self-confidence which was one of his most characteristic gifts, and which, it must be owned, was often very well founded.

He next proceeds to describe the principles of a civil and criminal code. The object of the legislator is to produce the happiness of society, and this happiness may be divided into four principal heads—subsistence, abundance, equality, and security. The discussion of this subject is admirable. As for subsistence and abundance, they can be favoured by the legislator only indirectly, that is to say, by securing to every one the fruits of his labour, or the property which he actually possesses under the existing state of things ; but equality is a substantial advantage.

Bentham's account of it is one of the most characteristic parts of his book. Almost all the common speculations on this subject run at once into

declamation. They are all amplifications of the commonplaces that men are 'born equal,' or are 'equal in the sight of God.' Bentham has the merit of reducing what has been generally used as a mere rhetorical falsehood, to almost mathematical precision. Wealth (taken in the widest sense) produces happiness, but not in the direct ratio of its amount. It is so much subdivided, or so much accumulated, as to be almost worthless to its possessors.

From this principle he proves, by a sort of maximum and minimum problem, that equality ought to be favoured, and kept in sight, in laws which affect the distribution of property. This end, however, is always to be subordinated to the principle that the existing state of things is taken as the starting-point, and that the maintenance of individual security in that state of things, is the principal object of the legislator. Equality, therefore, can be favoured only by degrees—by regulating successions, preventing monopoly, and the like. As for security itself, it is provided for simply by the protection of person and property, and by abstaining from invasions of them which are not productive of some benefit greater than the suffering which they produce.

Such being the general objects of the legislator, how is he to attain them? He must, in the first place, remember that he will have to make laws in, and for, a state of things already existing, and that the popularity of his laws, their goodness in relation to the nation for which they are made, will depend

principally upon the degree in which they respect or disappoint the expectations already formed by those whom they are to affect. When people speak of a law as tyrannical or unjust, they usually mean that it needlessly disregards their natural expectations, either by being inconsistent, capricious, or founded on some other principle than that of general utility.

This, again, is a most characteristic chapter. According to the view taken of law and morals by Bentham and his school, the proper meaning of injustice is partial application of the law, be that what it may. If, for instance, there were a law that the seventh sons of seventh sons should be put to death, it would be unjust to spare one of them. The world at large, it may be objected, would say that the law itself was unjust. Bentham would reply — By saying so, they would really mean nothing more than that the law was calculated to inflict great needless suffering, and also to disappoint that expectation of security which would be as natural in those who suffered by it as in others. The power of law over people's expectations and plans of life, and the inclination of mankind to judge of the character of the law by the way in which this power is exercised, are no doubt matters of the highest importance in legislation, and Bentham deserves great credit for having been the first writer to invest them with anything approaching to a fair share of prominence.

Having thus described in general the task of the legislator, by describing his object, the means at his disposal, and the conditions under which those means must be used, Bentham comes to the particular measures which are to be taken. He observes, in the first place, that the legislator, like the physician, has before him only a choice of evils. Laws, from their very nature, must always be applications of force. Where there is no force, there can be no sanction ; where there is no sanction, there can be no law. Thus every law is a restraint, and a threat of future suffering, and, in each aspect, is an evil justifiable only because it prevents a greater evil.

One great object, therefore—perhaps the great object—of the legislator, ought to be to minimise, not only the number of his laws, but the number of occasions on which it will be necessary to put them in force ; and the surest way of doing this is to make them conformable to the natural expectations of men. Thus the reason why the law should give the father's property, on his death, to his children, is because they have always been led to expect it and would be disappointed if they had it not. As Bentham observes, 'The legislator is not the master of the dispositions of the human heart, he is only their interpreter and minister.'

He goes with great minuteness into the effects of this principle on the transfer of property by consent or by distribution after death, and on the



different great relations of life—master and servant, guardian and ward, father and child, husband and wife. It would lead us too far to describe even the leading points of his views on these subjects.

A single illustration will be sufficient. What, he inquires, is the peremptory decisive reason why the legislator should enforce contracts? He replies: 'Because men are the best judges of their own interests, and therefore it may be assumed that contracts are usually advantageous to each of the contracting parties.' If it be objected that the law is seldom called upon to enforce a contract unless the contract has become disadvantageous to one of the parties, Bentham's answer is, that not to enforce it would be to inflict on the party who seeks to enforce it the pain of the disappointment of a natural expectation, and also to diminish the security of all other contracting parties, which, taken together, is a greater evil than that of making the defendant stand to a bad bargain. No one can appreciate the importance of this way of treating the subject who has not had some experience of the endless confusion and trouble which arise from the attempt to explain the law of contracts on any other footing, and to assign the cases in which a contract is 'void in itself.' Bentham was perfectly justified in saying that, after a great deal of vague talk, two things only remain positive rules—the will of such and such a legislator, and the principle of general utility.

The principles of the Penal Code are hardly so

interesting, and are neither so original nor so profound, as those of the Civil Code. Bentham's leading remark is, that civil and criminal law ought not to be considered as different departments of one subject, but rather as different views of the same set of actions—the difference consisting in the purpose for which they are classified, which is in one case the apportionment of punishment, in the other the enforcement of general rules in particular cases. The doctrine that the sanction is of the essence of law, and that it is this which distinguishes between law and morals, no doubt leads to the conclusion that, in a certain sense, all laws are criminal or penal. They all involve, somewhere or other, and under some circumstances or other, the application of force.

Perhaps the most remarkable part of Bentham's explanation of the principles of the Penal Code, is to be found in his account of the satisfactions or compensations which the criminal law ought to afford to those who are injured by crimes. They are of several kinds—pecuniary satisfaction, restitution in kind, 'attestatory' satisfaction (such, for instance, as a public record of the falsehood of a libel), satisfaction in point of honour, vindictive satisfaction, and, lastly, subsidiary satisfaction at the public expense. This he advocated in the cases of physical calamities like a flood or a fire, invasions, judicial errors, and violent crimes which ought to have been prevented—riots, for instance. Systems of private assurance he thought

might be more fit for other crimes, as, for instance, thefts and frauds. He insisted much on the importance of attestatory and honorary satisfactions, and has a singular chapter on the good and evil of duelling. It is characteristic of Bentham's enthusiasm about law, which he regarded with something of that affection which an inventor feels for a patent machine, that he seems to have overlooked, or at all events underrated, the danger of making people nervous and fidgety about their reputation by greatly extending the security which the law as it stands gives to it.

These are a few of the salient points of one of the most influential of modern books. If any one would take the trouble of reading it, with an early edition of Blackstone on one side, and a late edition of Stephen's Commentaries on the other, he would be able to satisfy himself that it has met with a degree of success which perhaps no other book ever gained in this country. When to this it is added that the Code Napoléon, and the Penal and Civil Codes, by which 130 millions of people are governed in the East Indies, are founded upon it, no more need be said as to the results which it has produced. It has, of course, been severely criticised. In a violent pamphlet an eminent French writer, speaking of the inaptitude of the English for metaphysical speculation, expressed his opinion that 'Bentham's metaphysical nullity' had been exposed by Jouffroy in his *Cours du Droit Naturel*. This exposure, it seemed to be supposed,

reduced Bentham to the level of a man of great practical sagacity, destitute of any philosophical conception of the bases on which his practice rested. It may be interesting to take this opportunity of shortly examining the justice of this observation.

Jouffroy's *Cours du Droit Naturel* consists of reports of the lectures delivered by him at the Sorbonne between 1830 and 1842. They were unfortunately interrupted by his death in, or shortly before, the latter year, and the world was thus deprived of the opportunity of seeing how he would have dealt with the great practical difficulties which have generally proved insuperable to thinkers of his school.

His book is most instructive and delightful, and deserves a more extended notice than we can at present afford to it, but the points at issue between him and Bentham may be very shortly stated. His own theory was that there are three modes in which human actions are determined. There is the instinctive or passionate, in which the passion itself immediately seeks its own gratification; the reflective, in which we act from a calculation as to our own interests; and lastly, the moral, in which we act without passion and from purely rational motives. This rational motive consists in an immediate perception of the final object of the universe at large, and of ourselves as parts of it, and of a harmony or discord, as the case may be, between this end and the proposed action. This perception is the ultimate explanation of morality, for 'the end of a being is

the good of that being.' Pleasure and pain are 'phenomena subordinated to good and evil,' and they arise from the accidental fact that we happen to be sensitive as well as active beings. This conception or idea of good is, however, the privilege of a few. 'Though reason shows itself very early in man, no one would venture to maintain that it rises immediately to this high conception of order, which is the moral law; nay, more, every one knows that in many men this high conception of the moral law never throws itself into a precise shape.'

He adds elsewhere, 'There is, moreover, a profound agreement, proved by experience to exist, between obedience to the law of duty and our interest well understood;' and farther on he observes that obedience to the moral law produces a pleasure, and disobedience to it a pain, 'the keenest that human sensibility can experience.' Having laid down his own principles, of which these form a part, in two lectures on the 'moral facts of human nature,' he proceeds to refute various systems conflicting with his own, and amongst the rest that of Bentham.

He begins by observing that Bentham was a legislator, and not a metaphysician. He admits elsewhere that legislation is, and ought to be, generally speaking, governed by the principle of utility, and the two remarks put together seem to prove that Bentham had firmly grasped so much at least of metaphysics as related immediately to his own subject. The question between him and Jouffroy thus

reduces itself to a comparatively small point—namely, whether he was right or wrong in denying the truth of Jouffroy's opinion, that the highest mode of the determination of human actions is, when they are determined by a conception of universal order.

It seems very harsh criticism to say that this disagreement in itself shows metaphysical nullity. That the form into which Bentham threw his denial of such doctrines was rough and contemptuous, and perhaps even rude, is true; but the denial itself is the cardinal doctrine of what is certainly the most successful, if it is not the most popular, of all metaphysical schools. Jouffroy himself admits that many people cannot perceive his transcendental rule of morality, and it would be very easy to state objections to it, which have been raised a thousand times, and have never received a satisfactory answer. We prefer, however, to confine ourselves to his criticisms on Bentham.

His first objection is that Bentham's system is purely selfish, and that, as the interests of men in any existing state of society are inconsistent, the selfish principle, carried out, would lead to anarchy. It is perfectly true that Bentham has not given sufficient prominence to the distinction between the two questions—'What is the meaning of morality?' and 'Why should I, A. B., be moral?' But he has recognised that distinction.

His theory is, that morality means nothing else than acting with a reference to the greatest happi-

ness of the greatest number, and that there are four classes of reasons which dispose men so to act—namely, regard for the natural consequences of their conduct, respect for the opinions of others, fear of the law, and the love or fear of God. To this Jouffroy says, 'Then the rule of general utility which you put forward is a lie, for personal utility is still the real rule.' This is like saying, 'Thou shalt do no murder' is a lie, because people are hanged if they do commit murder. The fact that there are sanctions for morality, that there are reasons why people should be moral, is the very thing that gives morality its importance.

It is almost wearisome to find that Jouffroy adds that, inasmuch as, according to Bentham, individual interest is the ultimate rule of conduct, a man would have the right to rob if he thought that, all things considered, he would get more pleasure than pain by the robbery. Any system becomes absurd when words are applied to it which it does not recognise. In Bentham's system, the word 'right' means a power secured by law, and no doubt every one has secured to him by law the power of doing whatever he can, subject to the consequences.

A man has the power of forming a design to rob, subject to the religious sanction—that is, subject to the evil consequences of offending God, who knows the heart; he has the power of putting it into execution, subject to the popular and legal sanctions—that is, to the risk of infamy, plus the risk of being

immediately stopped, apprehended, or even killed by way of prevention, and of being severely punished in case of success. That all men have, in this sense and under these restrictions, a right to do all things, follows from the fact that they are voluntary agents.

Let us take an illustration. Has a man a right to marry two wives at once? Certainly not in England in the present day, because he would be considered infamous, would be punished by the law, and would, according to our notions of religion, sin against God. Had Jacob a right to marry Leah and Rachel at once? Yes; for he was subject to no infamy, no punishment, and, according to the views of his time and country, he committed no sin. Suppose the Englishman in the present day cares for no consequences here or hereafter, and determines to take them all? No doubt he has a right to do so, for the consequences are the only things which can prevent him; and if in fact they do not prevent him, all that the rest of the world can do is to inflict them, and to admit the fact that they were inflicted and were ineffectual. To blame Bentham's system because it leaves people the power of doing wrong, subject to the consequences of wrong-doing, is to blame it for being a legislative system at all. How can men influence each other's conduct, except by appealing to their hopes and fears?

Jouffroy's objection, however, does not stop here. He not only says that Bentham's system gives every man a right to rob, but he goes on to say that there



is no legitimate way of substituting the rule of the general interest for the rule of the interest of individuals; and he rather harshly says, '*Cette substitution n'est qu'un mensonge.*' . . . '*Elle est impossible, et la règle d'intérêt général est en conséquence un principe de l'égoïsme et n'en peut sortir.*' This criticism appears to assume that the proposition which Bentham wishes to prove is, that if all men were, at a given moment, to begin to pursue each his own greatest happiness, the result would be the greatest happiness of the greatest number. This, of course, depends upon the state of things with which you begin. The greatest happiness of Abraham Lincoln at this moment would involve the destruction of Jefferson Davis; and in no state of things that the world has ever yet known were the happiness of each and the happiness of all proximately coincident.

Bentham certainly never makes any such assertion as that which Jouffroy appears to ascribe to him. His fundamental assumption is that the legislator whom he addresses wishes, for whatever reason, to promote the happiness of the people for whom he legislates. He asserts that, as a fact, every individual does seek his own happiness on all occasions, and the object of his book is to show how, upon this assumption, and with this datum, the result of a maximum of happiness is to be produced. If he had been asked why the legislator should care about the happiness of the people, he would no doubt have said that he will care for it according to the force which the physical,

the moral, and the religious sanctions exercise on his mind. Whether he cares for his object more or less, this is the way by which he must attain it. These assertions are perfectly simple. No one can misunderstand them, and it is universally admitted that Bentham argued as consistently as possible on his own principles, though his disciples, Austin and Mr. Mill—to whom, perhaps, Mr. Bain should be added—have enlarged and explained some of his principles in a valuable manner.

The real exception which M. Jouffroy has to take to them is, that Bentham did not hold the transcendental theory of duty. In this, as we have already observed, he may have been right or wrong, but it is hard measure to describe his dissent from a very disputable theory as ‘metaphysical nullity.’

It is difficult to add anything to so dry a controversy as that into which the dispute between Jouffroy and Bentham thus finally resolves itself. There are, however, one or two collateral observations which are often neglected, and of which Jouffroy’s writings remind us. He complains, in his criticism on Hobbes, that Hobbes attaches to the words ‘right’ and ‘duty’ meanings entirely different from those which men usually attach to them. The complaint shows a point of view, on the part of the critic, so entirely different from that of the author, as to raise a strong presumption against the justice of the criticism. Bentham, and others of his way of thinking, would say that such words as ‘right,’ ‘duty,’ ‘law,’ ‘nature,’ and

the like, are used in a more confused and indefinite manner than any others, and that the very first step towards any satisfactory kind of moral speculation is to reduce them to a definite meaning. These meanings must, of course, differ in different systems, and it is by those differences that the systems are distinguished from each other.

Jouffroy himself was not very happy in his use of words, or rather in his remarks upon them. He says, for instance, '*Le bien, l'utile, le bonheur, trois idées que la raison ne tarde pas à tirer du spectacle de notre nature, et qui sont parfaitement distinctes dans toutes les langues.*' In fact, '*Le bien*' cannot be translated into English, and it is not even natural French. '*The good*' or '*the well*' is not sense. Adjectives and adverbs want substantives and verbs to complete them. The fact that transcendentalists of all ages and nations are obliged to distort their own language, before they can express what they assert to be the fundamental idea of all, is not unimportant. '*Happiness*' is a substantive, which can be understood, but '*the highest good*' is an expression which leaves a blank. The highest good what? The highest good health, the highest good fortune, are, at all events, good grammar, but the highest good, by itself, is not.

No doubt there will always be a class of people to whom Bentham's reputation in England will be a proof that we are a grovelling, low-minded race who cannot soar—who have, as a French critic said, hands

and feet, but no wings. A candid observer will put a different construction on the fact. The great recommendation of Bentham, and men like him, to Englishmen in general, even to those who care most for abstract inquiries, is that they do give the one great pledge of truth. They solve real problems, and, till somebody else can solve them better, their power will not be shaken in this country.

Jouffroy died before he came to the practical application of his transcendentalism, but the real objection to such theories is that they never stand the test of practice. Try, for instance, to regulate the law of marriage on transcendental principles. Does the transcendental moral law permit of divorce, or not, and in what cases? When transcendentalism is brought to bear upon such a subject, it always comes to a futile conclusion. It is written in my inmost heart, says one such theorist, that divorce is an iniquity. And it is written in mine, says another, that it is a primæval, natural, imprescriptible right of man. For undisputed points of morals you can always set up a transcendental authority. It is in uncertain cases that an authority is wanted, and then it is not to be had.

Bentham, on the other hand, may be right or wrong, but the world at large can always judge which it is. What was written in Kant's heart no one can tell, but whether Bentham estimated the consequences of the liberty of divorce rightly, is a question on which every one can judge for himself.

These practical questions are the only real tests of the value of theories. The falling of an apple is a very little thing, but before you can explain it you must know the arrangement of the solar system, and the most magnificent accounts of that system which fail to explain it, fail to do what is required of them.

### XIII

#### COBBETT'S POLITICAL WORKS<sup>1</sup>

COBBETT is gradually becoming a mere name to us, though he is probably the only, or almost the only, Englishman who ever rose to real greatness exclusively as a journalist. We propose to attempt to draw a slight outline of the man and of his most characteristic opinions, taking as our authority the selections made by his sons from his political writings in America and England. Familiar as his name was within living memory, it may be necessary for the information of many at least of our readers to give a short outline of his career.

His writings contain, among other matters, materials for a complete autobiography, if any one took the trouble to extract, and arrange in chronological order, the statements which he made, at various times, as

<sup>1</sup> *Selections from Cobbett's Political Works.* Being a complete Abridgment of the 100 Volumes which comprise the Writings of Poreupine and the *Weekly Political Register.* With Notes, Historical, and Explanatory. By John M. and James P. Cobbett. 6 vols.

to the leading incidents of his life. He was born in Hampshire in or about the year 1765. He was the son of a farmer, and the grandson of a labourer who, as he boasted, lived for forty years in the same service. In 1784 he enlisted at Chatham in the 54th Regiment of Foot, and served in it in the North American provinces, especially in Nova Scotia and Canada, from 1785 to 1792, when the regiment (of which, by the way, Lord Edward Fitzgerald was Major) returned to England.

His great talents raised him almost immediately to the rank of corporal, and within about a year and a half to that of sergeant-major. He gives an account, in a letter written 'to the independent people of Hampshire,' in 1809, of his career in the regiment. It is a most characteristic passage, but, full as it is of vanity, it is fair to Cobbett to say that there is reason to believe it to be substantially true. He was clerk to the regiment, and he says, 'In a very short time the whole of the business in that way fell into my hands, and at the end of about a year neither adjutant, paymaster, nor quartermaster could move an inch without my assistance. The military part of the regiment's affairs fell under my care in like manner.'

He describes how a new drill-book came out, and how he had first to learn it and then teach it to others, 'to give lectures of instruction to the officers themselves, the colonel not excepted.' He thus came

to have a wonderful opinion of himself, which continued to characterise him in all departments of affairs through the whole of his life: 'As I advanced in experience I felt less and less respect for those whom I was compelled to obey. . . . From 19 to 27 is not much of an age for moderation, especially with those who must necessarily despise all around them. But the fame of my services and talents ran through the whole country. . . . I had the affairs of a whole regiment to attend to. . . . I found, however, time for studying English and French grammar; I learnt geometry and fortification; I built a barrack for 400 men, without the aid of either draughtsman, carpenter, or bricklayer. The soldiers under me cut the timber and dug the stones, and I was the architect. . . . With all these occupations (of which I mention only a few particulars that occur to me at the moment) I found time for skating, fishing, shooting, and all the other sports of the country, of which, when I left it, I had seen and knew more than any other man.'

With all these gifts, and especially with a thorough knowledge of both English grammar and the French language, which performed for him the very same office which a classical education performs for young men of a different class, Cobbett applied for, and obtained, his discharge from the army in 1792. He did so, although he had the prospect of receiving a commission without purchase, in order to expose certain frauds which he had detected in the quarter-



master's department. In the letter which we have already quoted he gives a long account of his attempts to obtain a court-martial, and of the shuffling manner in which, as he says, he was put off. His enemies afterwards charged him with having flinched from his accusations when it came to the point, to which he replies by charging them with all manner of frauds.

Be this as it may, he left the army in 1792, and went to France with his young wife. He was both disgusted and reasonably alarmed at the scenes into the midst of which he fell, for he was in France (though not at Paris) till shortly before the September massacres; and he accordingly sailed from Havre to America, and settled at Philadelphia, where he gave lessons in the English language to the French emigrants.

He afterwards began to publish a paper in favour of the Federalists and the English alliance, which was called by different names, and at last *Porcupine's Gazette*. He carried on in it for several years, furious polemics with various persons, and especially with the unhappy Democrats, whom he lashed with more than all the fury which he afterwards poured upon the heads of English Tories. In March 1795, for instance, after much dwelling on the brutalities of the Revolution, he observes, 'At the very name of Democrat, humanity shudders and modesty hides its head.' He returned to England in 1800, in great favour, as his sons say, with the

powers of the day, and he received offers of assistance both from Mr. Windham and Mr. Pitt. He, however, refused them, and shortly afterwards differed with the Government about the Peace of Amiens, the policy of which he disputed.

In 1802 he established the *Political Register*, and continued it till his death. In 1810 he was imprisoned in Newgate for a year, for what in those days was considered a libel, and he went over to America in 1817 in order to avoid the operation of the Six Acts. He stayed there about two years, when he returned to England, and continued his avocations with no other interruption till his death, on the 18th June 1835. It should be added that he sat for Oldham in the first Reformed Parliament; but he achieved no marked success in the House.

Such, in outline, was Cobbett's career. We will now attempt to give some estimate of the man himself, and some account of his more characteristic opinions. If we had to take a representative man from each of the three kingdoms, Cobbett, O'Connell, and Walter Scott would be by no means bad men to choose. Cobbett was a model John Bull. He had all the characteristics of the race in an exaggerated form, and the chief interest which now attaches to his opinions, arises from the degree in which they illustrate the strength and the weakness of a thorough-bred Englishman, of much more than average power, but not of more than average enlightenment.

Cobbett's great qualities were immense vigour, resource, energy, and courage, joined to a force of understanding, a degree of logical power, and above all a force of expression, which have rarely been equalled. His weakness lay in his incredible self-confidence, his monstrous prejudices, his extreme coarseness and occasional ferocity, and the thoroughly invincible ignorance with which, when he had got any ideas into his head, he clung to them and defended them against all comers.

As life went on, his style to some extent degenerated, and became, as the style of all journalists tends to become, turgid and cumbrous; but his best performances are models of vigour and pungency. These qualities, together with his energetic, rather domineering character, are displayed in great abundance in the most unlikely places. Nothing, for instance, can be racier or more amusing than many parts of his French and English Grammars. No other man, in all probability, would ever have thought of making such books the vehicle of the keenest political satire. Cobbett contrived to do so by choosing his examples of bad grammar from despatches, King's Speeches, and other public papers.

For instance, the Prince Regent in 1814 said: 'Although this war originated in the most unprovoked aggression on the part of the Government of the United States . . . I never have ceased to entertain a sincere desire to bring it to a conclusion on just and honourable terms.'

‘Does the Prince,’ asks Cobbett, ‘mean that he would be justified in wanting to make peace on unjust and dishonourable terms because the enemy had been the aggressor? He might, indeed, wish to make it on terms dishonourable and even disgraceful to the enemy; but could he possibly wish to make it on unjust terms? Does he mean that an aggression, however wicked and unprovoked, would give him a right to do injustice? Yet if he do not mean this, what does he mean?’

He concludes the letter in which this occurs by saying to his son, to whom the letters are addressed, that when he comes to hear the people who write King’s Speeches, making speeches in Parliament themselves, ‘Your wonder will be, not that they wrote a King’s Speech so badly, but that they contrived to put upon paper sentences sufficiently grammatical to enable us to guess at the meaning.’

The French Grammar is as remarkable in some ways as the English one. It contains, for instance, directions for learning the French genders, which are most characteristic both of the energy and of the clumsiness of the man who invented them. Take, he says, a little book, each page of which is divided into two columns. Write out all the masculine words in one set of columns, and all the feminine words in the other, and read them over and over again at odd times until you know them all by heart. The hatred of rules and the readiness for labour which this plan shows—for it was the plan which Cobbett himself

followed—are not less remarkable than the fact that, having adopted it when he was a sergeant in a marching regiment, he recommended it to others between thirty and forty years afterwards. It never appears to have occurred to him that, as five French nouns out of six are masculine, a list of the feminine nouns only would have saved five-sixths of the trouble.

Illustrations of the peculiarities of his style might be multiplied to any extent. His name, so to speak, is signed upon every page of all his writings. It will be better worth while to attempt to give a short account of the general cast of his political opinions. He was in no sense a party writer. From first to last he expressed his own views in his own way upon all sorts of subjects ; and whatever the subject in hand may be, there is one uniform cast of thought about all his opinions, as distinctive as the style in which it finds expression. They changed a good deal as he grew older, more passionate, and more accustomed to feel and to exert the singular powers which he possessed ; but the progress of the change can be traced from month to month, and year to year, and it is obvious enough that, under the varieties of opinion which he held at different times, he was always the same man.

The leading idea on political subjects in Cobbett's mind was that all legislation ought to have for its object the production of a certain rough kind of prosperity and plenty, diffused throughout the

whole population. There never was such an energetic believer in the theory of a good old time, when every man was fed on beef, or at least bacon, and beer, and clothed in good woollens made from the fleeces of English sheep, and in shoes made out of English hides, when there were hardly any imports and very few taxes, and when there were no paupers. He appears to have believed that for several centuries this actually was the state of things in England, and that it had passed away only in very modern times, by reason of the system of taxation, and paper money, and funding, which he never ceased to denounce as the source of every kind of national evil.

As he read the history of England, 'the thing called the Reformation' was the source of all our evils. Up to that time things had, on the whole, gone on well, and in particular, the Church had provided for the poor so largely and so plentifully, that there had been none of the grinding poverty which was witnessed in later times. The Reformation he viewed as having been, in a political point of view, nothing but a vast aristocratic job and robbery of the poor. Before that event a large proportion of the revenues of the Church went to the poor. After it the whole went into the hands of private persons or of a married priesthood, who, as far as the poor were concerned, were little better.

Still Queen Elizabeth's Poor-law was some compensation, and, notwithstanding the gross injustice which

had been inflicted on them, the common people got on pretty well till the aristocracy invented the never-sufficiently-to-be-cursed funding system, whereby they were enabled to live out of the taxes in a constantly increasing ratio. What with constant borrowing, and what with paper money and indirect taxation, which raised the price of all food, drink, clothing, and lodging to an incredible pitch, the poor became poorer, and the rich richer, till at last, towards the time when the *Political Register* was at the height of its influence, the labourers were ground down to an extreme degree of misery, the old landlords were reduced to poverty, and Jews and fundholders (so he loved to put it) lived in brutal luxury out of the taxes.

The burden of large parts of the *Political Register* and other works, especially of the delightful book—for such it is, notwithstanding many obvious blemishes—called *Rural Rides*, is that the taxes were squandered in supporting luxury. The population in the country, it is constantly repeated, was decaying, and was being collected into the great towns—or, as Cobbett always calls them, the Wens—there to be devoured by the ‘Wen devils.’

‘The land is now used’ (he says in one of his rides) ‘to raise food and drink for the monopolisers and the tax-eaters, and their purveyors, and lackeys, and harlots; and they get together in Wens. Of all the mean, all the cowardly reptiles that ever crawled on the face of the earth, the English landowners are

the most mean and the most cowardly ; for 'while they see the population drawn away from their parishes to the Wens, while they are taxed to keep the people in the Wens, and while they see their own parsons pocket the tithes and the glebe rents, and suffer the parsonage-houses to fall down ; while they see all this, they, without uttering a word in the way of complaint, suffer themselves to be taxed to build new churches for the monopolisers and tax-eaters in those Wens ! Never was there in this world a set of reptiles so base as this.'

Nothing in Cobbett is more remarkable than the fact that, though he was regarded for many years as the incarnation of radicalism and revolution, he was no Radical at all in spirit and sentiment ; at least he was not what is usually understood by that name. The whole of the Young England theory of things is nothing more than an effeminate parody of one side of his views. He was, as we have already said, the most English of Englishmen, as full of every English prejudice as an egg is full of meat. He always speaks with reverential tenderness of every old institution or building. The old churches and old cathedrals fill him with admiration. He had a great tenderness for the old religion, though he had no love for the despotic or priestcraft side of Popery, which he sometimes attacked in his characteristic style, and he despised Unitarians and Methodists and Jews about equally.

His account of Unitarians is eminently charac-



teristic, and contains a good deal of his grotesque humour. Baron Maseres 'went on at a great rate laughing about the Trinity, and I remember he repeated the Unitarian distich, which makes a joke of the idea of there being a devil, and which they all repeat to you, and at the same time laugh, and look as cunning and priggish as jackdaws, just as if they were wiser than all the rest of the world. I do most heartily despise this priggish set for their conceit and impudence; but seeing that they want reason for the Incarnation, seeing that they will have effects here ascribed to none but usual causes, let me put a question or two to them.'

Then follow seven questions, the last of which is, 'What causes flounders, real little flat fish, brown on one side, white on the other, mouth sideways, with tails, fins, and all, leaping alive in the inside of a rotten sheep's, and of every rotten sheep's liver?'

Jews, Methodists, and Quakers come off quite as ill. The Quakers are 'base vermin' and 'unbaptized buttonless blackguards.' The Methodists are a 'hawling, canting crew' of 'roving fanatics.' The Jews are 'Christ-killing rascals'; and 'Christ-killer' is his favourite pseudonym for a Jew, if one is to be introduced into an imaginary conversation or semi-dramatic scene in one of his letters.

The Scotch and Irish are served in the same way. He had no opinion of the Irish. One of the most stinging and crushing letters he ever wrote is devoted to the demolition of a speech of O'Connell's in his

usual vein (*Register*, January 1832). Churchill and Johnson were not harder on the Scotch. 'The Scotch beggars would make us believe that we sprang from beggars. The impudent scribes would make us believe that England was formerly nothing at all till they came to enlighten it and fatten upon it.'

He carried his John Bull pride indeed to a positively ludicrous pitch, for in a letter to Lord Fitzwilliam, in 1817, he reproaches him bitterly for being a party to the renunciation by George III. of the title of King of France. 'Had I been in Parliament I would have made every stand inch by inch in order to expose, at any rate, the abandonment of a plume won by the valour of my forefathers. . . . The abandonment of the title of King of France was an act of baseness without a parallel.'

We are acquainted with no English writer who illustrates in a more pointed manner the vein of poetry and romance which runs through every part of the English character, though in a form so strange, so subtle, and at times so grotesque, that it is continually overlooked or mistaken by superficial observers. It requires a far closer knowledge of the John Bull nature than most people possess to understand how the same man should burst into fiery indignation about the baseness of abandoning the perfectly senseless title of King of France, and should observe, 'Talk of "liberty," indeed, "civil and religious liberty," the Inquisition with a bellyful is far preferable to a state of things like this,' and declare

elsewhere that the religion for him was a religion which filled people's bellies.

It is most remarkable that Cobbett, who passed his life in the most passionate advocacy of Radical Reform, and who denounced rotten boroughs and all the works of borough-mongers, fundholders, stock-jobbers, and other 'wen devils,' every day and all day long for some forty years, was opposed to all characteristically liberal measures. He denounced schemes of popular education. For instance, in December 1813, he published a letter to Alderman Wood 'On Teaching the Children of the Poor to Read,' the gist of which is that there is nothing wholesome for them to read, and that they had much better not learn. They cannot understand the Bible, and the newspapers are all corrupted by the Government. In another letter he says that, in his experience of the army, he always found that the scholars in a regiment were 'generally dirty and drunkards,' 'the conceit makes them saucy'; and their characters are so bad, that men who can neither read nor write are frequently made non-commissioned officers, because of the superiority of their moral character, notwithstanding the inconvenience of their ignorance.

In much the same spirit of bigoted love to all that was old-fashioned, he admired the old laws against forestalling and regrating, and considered shops a mischievous innovation upon the good old fashion of fairs and markets. His view of facts was as much perverted by this state of mind as his theories. He

continually maintained that it was a gross and ludicrous error to believe that the population was rapidly increasing. A man who could believe in the correctness of the census returns would be capable of believing that the moon was made of green cheese.

These were a few of the most important and characteristic of the political views of this remarkable man. They are interesting at present, chiefly because they show the cast of thought, which gave the most popular of all English political writers a greater hold over the minds of a larger section of his countrymen, than any other writer of the same class ever had for an equal time, and because they thus afford decisive proof of the strength of Conservative tendencies in this country, even at a time in which party feeling ran higher than it probably ever did at any other period in our history.

No one ever attacked either individuals or classes in this country with such unsparing violence as Cobbett, and yet his attachment to what he regarded as the genuine constitution of the country was undoubtedly sincere, and was exceedingly strong. He goes so far as to speak with kindness, and even with a certain sort of regret, of the feudal system.

When the matter is considered attentively, it is obvious enough that the doctrines which we are so much accustomed to see recognised, professed, and extolled in all directions—the doctrine of universal competition, free-trade, religious equality, and the like—however true they may be, are popular only by

accident. They are not the natural and appropriate creed of the great masses of the population. Liberalism is in many respects an aristocratic creed, inasmuch as the essence of it is to produce a condition of things in which the energies of every individual will have the fullest possible scope, and produce the most permanent results.

The vigorous man will, under this system, get a maximum of advantage from his superior strength, and will transmit to his descendants the advantages which he has acquired. The apparent tendency of unrestricted free-trade and unlimited competition is to throw wealth, and everything that depends upon and is derived from it, into comparatively few hands. What the average man likes is an artificial system which provides as large a number of persons as possible with a reasonable level of comfort.

When people talk of good old times, the state of things present to their imagination, rightly or wrongly, is a state in which there was less trouble and anxiety, and fewer vicissitudes in life, than in the time of which they are speaking. The ideal age of most men is an age in which the common run of people got along pretty comfortably, without much trouble. It does no doubt so happen that, in our own times, the extraordinary inventions which have changed the face of society, and have poured over us a flood of wealth unexampled in former times, have produced a state of feeling to which we are so accustomed that we do not see that it is exceptional.

There never was an age in which the go-ahead spirit was so powerful, but even in these days there are considerable exceptions to this state of feeling. Trades' unions are a good illustration. They show that the great bulk of the class of mechanics have hardly any sympathy with free-trade, and comparatively little ambition. Let us, say they in effect, have fair wages and short hours, and let both time and wages be regulated by the work of the average man, not by the powers of those who rise above the average.

The following passage is at once an excellent specimen of Cobbett's best style and a short summary of his most characteristic doctrine: 'The state of the people relative to the nobility and gentry used to be such as to be productive of great advantages to both. The labourers were happy. Each had his little home. He had things about him worth possessing and worth preserving. His clock, which had come to him from his father, in many cases, and from his grandfather, was preserved with as much care and veneration as you would preserve your title-deeds, or any building upon your estates. Men lived in the same cottage from the day of their marriage till the day of their death. They worked for the same masters for many years. They were so well off that there was no desire for change. Whole families were in the service of the same nobleman or gentleman, without any legal engagement, and without any other dependence than that occasioned by respect and goodwill. In numerous

instances, son succeeded father, generation after generation, as the workman or servant of son after father. The liberality and kindness of the employer were repaid by the respect and fidelity of the servant. All this is now swept away. That inexorable system of taxation, that fraudulent and ruinous system of funding, which have enabled the borough holders in England to smother liberty and reinstate despotism in Europe, have, at last, almost wholly destroyed this most beautiful and happy state of society, and, in the place of mutual confidence and mutual goodwill, have introduced mutual distrust and mutual hatred. The American war, as I said before, gave the nation a great blow. That blow, however, might have been overcome; but the blow given by the late wars never can be overcome, except by that regeneration which a Parliamentary reform would produce.'

What degree of truth was there in these views? The question is one which could be adequately discussed only in a large work spreading over a great variety of subjects, but one remark about it may be made with confidence. Cobbett altogether overstated his case, and pertinaciously shut his eyes to the real progress which the nation was most undoubtedly making in the midst of much suffering and a great deal of jobbery and corruption. The vast load of indirect taxation was no doubt cruel and mischievous.

The abuses of Government were very great, but, notwithstanding all that, the wealth of the country

did increase enormously, and so, whatever Cobbett thought about it, did the population, all through the great war and down to our times.

He put his finger on the real evil when he complained of the way in which property is distributed, and when he pointed out the excessive hardship upon the poor of the system of indirect taxation ; but he was mistaken when he underrated the powers of production in the country, and was utterly wrong when he denied its increase in population. He was also wrong, as it appears to us, in the notion that it is possible, by any artificial means, to arrest the natural progress of society, and to make the general diffusion of rough plenty the principal ideal of such a nation and such an age as our own.

We have given only a slight outline of one part of Cobbett's views. His occasional writings on all manner of practical subjects are eminently characteristic, and for the most part, well worth reading. Whoever wishes to get a vivid picture of the man, his thoughts, his views on all subjects, and his personal adventures, intermixed with most picturesque and beautiful descriptions of every part of the country, and of most classes of its inhabitants, may find all this, and much more, in the *Rural Rides*—a delightful book, with all its occasional coarseness and ferocity. We have omitted all notice of Cobbett's wars with private persons, many of which were exceedingly violent. They make up a great part of his writings, but their interest has now entirely passed away. To



those who are accustomed to the gentler manners of our own time they are wearisome, and sometimes disgusting. We have also left unnoticed many of his special opinions, and many of the recommendations which he made from time to time. They are characteristic enough, and in some cases very absurd ; but they were made under violent excitement, and may as well be forgotten.

## XIV

### DE MAISTRE—‘SOIRÉES DE ST. PÉTERSBOURG’<sup>1</sup>

HARDLY any book written in recent times contains so large a quantity of material suggesting interesting discussion as De Maistre’s *Soirées*. It is a magazine of arguments, on a variety of those broad topics which underlie all moral and theological speculation, and which are not likely to lose their hold upon the human mind, as long as men regard themselves in any other light than that of machines or beasts. It is impossible for any one who believes in lasting and real forms of morals or religion to read these dialogues without extreme interest and very considerable sympathy.

But it is also impossible, at least in our judgment, for any one who also sincerely believes that modern science is true, both in its methods and in its most characteristic results, and that it is adapted

<sup>1</sup> *Les Soirées de St. Pétersbourg sur le Gouvernement temporel de la Providence, suivies d’un traité sur les sacrifices.* Par le Comte Joseph de Maistre.

to the discussion of the questions which really interest mankind — questions relating to religion and morality, as well as those which refer to inanimate matter—without feeling that no book produces in so brilliant a shape, or in so effective a manner, that peculiar kind of sophistry, by which the plain results of the application of such methods to such subjects is commonly evaded. It is because no book handles the commonplaces of this sort of sophistry in a more vigorous and popular manner, and because the popularity of such sophistry is, for obvious reasons, increasing, that we propose to try to show, in some capital instances chosen out of a much larger number, how misleading and sophistical it is.

.. We may, in the first place, say a few words by way of preface as to the nature of the book itself. It consists of eleven dialogues between the Count (De Maistre himself), a Russian statesman, and a young French soldier called 'Le Chevalier,' who is supposed to have been drifted by the fortune of war to St. Petersburg. Their conversations are supposed to take place during the early part of the present century, both the Frenchman and the Count being exiled, by the course of events, from their native countries. The work ends abruptly in the middle of a paragraph on the prospects of Protestantism in general and of the Bible Society in particular: 'Think then,' says the Count to the Senator, 'whether I embrace with transport the ravishing and entirely new point of view under which you show me, in a

prophetic distance, the effect of an enterprise which, separated from this consolatory hope, terrifies religion instead of pleasing it——'

The author's death (25th of February 1821, at Turin) prevented the completion of the Count's views on this subject. No form of composition is either so seductive or so difficult to manage as that of dialogues or conversations, for De Maistre draws a just distinction between them. The amusing and dramatic elements which are inseparable from such a form of composition make them equally pleasant to write and to read, but, on the other hand, they have a strong tendency to divert the author from following out systematically the course of his thoughts, and to lead him into fighting with men of straw, gaining sham victories over unreal antagonists, paying compliments to himself, under one or other of the aliases which are from time to time assumed, and putting forward opinions which are not, and are not intended to be, affirmed otherwise than dramatically.

De Maistre escapes some of these dangers, and in particular the danger of combating men of straw, by not setting his characters to argue, but allowing them to talk. He frequently, however, falls with amusing *naïveté* into the pitfall of complimenting himself. For instance, when the Chevalier makes a joke, and not a very good one, the Count observes, 'Vous me glacez quelquefois avec vos gallicismes, quel talent prodigieux pour la plaisanterie !' and he observes, upon another of his young friend's phrases, that Seneca could not

have put it better. The interlocutors indeed keep continually telling each other that what they say is perfect in point of argument, original, profound, or something else equally satisfactory. The dramatic fallacy has not very much influence on the book.

Substantially all that is said may be taken as an exposition of De Maistre's own views, though the Russian nobleman, as a member of the Greek Church, is occasionally made to put forward views which are faintly reprov'd, or rather qualified, by the Count, not as being false, but as being wise beyond what has been decided by the Church. The Senator's sallies are, principally, in the direction of a singular mysticism about the wonders which are on the point of happening in the world, the new interpretation which is to be given to old oracles, and so forth. It is easy, in reading them, to recognise the links which connected De Maistre with new schools of thought as well as old ones, and which, if he had been born fifty years later than he actually was, might have made him an active and dangerous antagonist of the system which he defended so vigorously.

We do not propose, on the present occasion, to attempt to give any analysis of the *Soirées*. Those who wish to see such an analysis will find one in a number of the *Saturday Review* published several years ago.<sup>1</sup> We will limit ourselves on the present occasion to an attempt to point out, first, the fundamental vice of De Maistre's method of inquiry ; secondly, the

<sup>1</sup> See *Saturday Review*, 27th Nov. 1858.

influence which this fundamental vice has exercised, not only over his own speculations, but also over those of other writers of the school to which he belonged; and, thirdly, the connection between De Maistre's personal views and those of the modern school to which he was most bitterly opposed.

The fallacy which vitiates, not only his arguments, but those of all the disciples of his school, is no other than the fallacy of *petitio principii*. His method is to lay down general principles of enormous importance, as self-evident first truths, and then to make these supposed first truths the foundation of all his subordinate speculations. The consequence of this is that he inverts all his opinions in the strangest manner, draws from his premisses the most unexpected conclusions, and, in a word, makes all his doctrines one after the other stand on their heads.

We will first try to set in a clear light the fundamental error to which we have referred, and as an illustration we will take the manner in which he treats the fundamental proposition of his whole book. Its object is to vindicate the providential government of the world. The view of De Maistre on this great subject may be reduced to the following propositions:

Physical evil could enter the world only by the fault of free creatures. It can enter only as a remedy or an expiation, and therefore it cannot have God for its direct author.

It is necessary to show that the facts of the world are reconcilable with these 'fundamental dogmas.'

In point of fact, much physical evil is the direct consequence of vice. Virtue and vice do, on the whole, tend to produce happiness and misery respectively to those who practise them. To this extent, therefore, external good and evil can be regarded in the light of rewards and punishments.

Moreover, all men, except saints properly so called, are bad. Their sufferings, therefore, even if not the immediate and usual consequences of their faults, may still be regarded as the punishment of their faults. To this further extent good and evil may properly be regarded in the light of rewards and punishments.

The rest of the physical evil which exists in the world is distributed impartially amongst all men, good and bad alike. The comparatively good are no worse off than the bad. This part of the evil which exists in the world, is the punishment of the original guilt of the human race in general. There is an eternal law which connects sin and suffering. A certain quantity of the one is represented by, and equivalent to, a certain quantity of the other, and thus, if any one gets more sufferings than his share, and accepts them, and if 'the divine justice accepts his acceptance of them,' this will operate as an expiation of a certain degree of guilt and punishment elsewhere.

Hence, in one way or another, all the suffering in the world may be exhibited in the form of a punishment due to some sin or other.

Stripped of a great deal of illustration and development, this is the gist of a great part, and the most important part, of De Maistre's book. It does not need much consideration to see that to lay down such principles as are propounded in the first of these propositions, and to proceed to criticise all the facts which the world presents upon the assumption of their truth, is simply a *petitio principii*, and cannot tend in the remotest degree to any legitimate removal of the doubts which may be entertained on the subject by those who think differently from De Maistre.

Set out with a perfectly unhesitating conviction that the great fundamental propositions of religion are all true, that this world was created and is governed by an infinitely just, wise, and good Being, and that all the sin and suffering which we see around us is in fact penal, and capable of being avoided or expiated, and the adjustment of matters of detail becomes unimportant.

Those who are in possession of such a faith have only to congratulate themselves upon it. But a man must either be very blind, or wonderfully presumptuous, who allows himself for one moment to suppose that the detailed application of such doctrines is so clear as to confirm the doctrines themselves, that they can be used as keys which are shown to belong to particular locks by the fact that they will open them. It is obvious, to any one who will take the trouble to look, that the detailed explanations are harder of belief than the doctrines which they are



meant to support. It is much easier to persuade oneself in general that suffering is penal, than to persuade oneself that a twinge of toothache is a part of the punishment of original sin, whatever that may be. My conviction of the second proposition will never rise above my conviction of the first ; and if I believe the first, the second is a matter of indifference.

The truth is that, if the questions of the existence of God, the providential government of the world, and the origin of evil, or, if it is so called, the place of evil in the general scheme of things, are to be made the objects of human reason at all, there is only one rational way of conducting the inquiry. That way is to consider whether the facts which we see around us do furnish evidence from which it is reasonable to infer that the world was created by a conscious and intelligent agent, and, if so, then to consider further, to what conclusions the evidence points as to the moral attributes of that agent ; and lastly, to consider whether, and in what degree, the general course of human affairs can properly be compared to a government, and if so, upon what principles, and by what agents, so far as they can be discovered, that government is carried on.

This is clearly the sort of process by which we may expect to attain to such truth on this subject as is attainable by people situated as we are, or at all events by which we may attain to the conclusion that, be the truth what and where it may, it is inscrutable to our faculties. Any other process than this is mere

beating the air, or marking time, and will be found on examination to resolve itself into the process of repeating the same assertion over and over again, in different forms of words more or less specific, according to the matter immediately under discussion.

This is, in point of fact, the vice of the high Ultramontane school, the modern representatives of the scholastic principle. The speculations of Dr. Newman, for instance, are full of it. A single observation on the subject may perhaps be added. There is no assertion of which writers of this school are fonder, than the assertion that the Church is the special friend of human reason, and its great patron and ally ; and it is said that this alliance is nowhere more conspicuous than in theology, and the subjects which are connected with it.

Strange as this appears, a study of De Maistre makes it readily intelligible. Given any principles whatever to start with, a man may display any conceivable amount of ingenuity in applying them to the facts which he sees about him. The resources of an ingenious advocate, for instance, are called forth by the difficulties of his case, and his instructions form the foundation of his arguments, instead of acting as shackles on his powers. In a word, if it is assumed either that reason does not tend to truth, or that there is a whole sphere of truth altogether superior to reason, and recognised by other organs, then a man can use his talents as much as he pleases, and that upon the most sacred subjects.

You must not go abroad, but if you travel for the sake of exercise, there is an admirable treadmill at home, indeed there is a whole gymnasium thoroughly well furnished. Only take your principles for granted, and you may pass a lifetime, if you please, in the most subtle disputes as to their application.

If such rumours as have reached the present generation as to the speculations of the schoolmen have any truth in them, this is an exact reproduction of the old scholastic method, but it is well in these days to be aware of the proper method of exposing it. That method is to trace the speculations presented by such reasoners to their first principles, and then to show that those first principles rest on little or no evidence, and that at all events they never explain anything. They never remove a single difficulty, but only exhibit the old difficulties under new forms, and dignify them by some title equally magniloquent and gratuitous.

De Maistre, for instance, starts with the question, why do good men suffer, if suffering is penal? and he arrives at the conclusion that their sufferings are, in part at least, expiatory; that sin and suffering are equivalents; that a certain quantity of the one implies, and may be neutralised by, the other. Here the explanation is obviously more difficult, both to prove and to believe, than the thing explained, to say nothing of its inconsistency with the most obvious facts—such, for instance, as the fact that, in numberless cases, evil produces no suffering that we know of,

and that it happens at least as frequently, that the suffering which it otherwise would produce is prevented by remedies which cause no pain to any one at all. Here the *petitio principii* lies in the assumption that all suffering is penal, and in the second assumption, made to back up the first, that it is also endowed with an expiatory virtue.

Passing from this, we will endeavour to show how this inverted method of speculation turned De Maistre's opinions upon almost all the subjects which he handled upside down, and left them, as we have said, standing on their heads. Almost any number of illustrations of this might be given, but we must content ourselves with one or two. Nothing, for instance, can be more forced or unnatural than the view which De Maistre takes up as to the functions of the intellect in regard to public affairs, and indeed generally. He is unable, consistently with his general principles, to deny that truth is the object of reason, and he is accordingly reduced to carping at those forms of reason which lead to conclusions opposed to his own.

Can anything, for instance, be more characteristic of the turn of mind which we have been trying to describe than the following outbreak against speculation as applied to practical life: 'Do you know whence comes this flood of insolent doctrines which judge God without ceremony and call him to account for his decrees? They come to us from the numerous body of what are called *savants*,

whom in this century we have not known how to keep in their proper place, which is the second. Formerly there were very few of them, and of those few, very few were impious. At the present day we see nothing but *savants*; it is a trade, a crowd, a people, and amongst them that which was the sad exception has become the rule. On every side they have usurped boundless influence, yet if there is anything certain in the world it is, in my opinion, that it does not appertain to science to lead mankind. Nothing which is necessary is entrusted to it; a man must have lost his senses to believe that God has commissioned academics to tell us what he is, and what is our duty to him. It belongs to prelates, nobles, great officers of State to be the depositories and guardians of conservative truths; to teach nations what is good and what is bad; what is true and what false in the moral and spiritual order. Others have no right to argue on matters of this sort. They have the natural sciences to play with (*pour s'amuser*); what can they complain of? As to those who speak or write to take a national dogma from the people, they ought to be hung like burglars.'

It is odd that it should not have occurred to De Maistre that the high priests and Pontius Pilate could not have wished for a more trenchant justification of their proceedings, but this is a trifle. The characteristic and important point in this extract is that it affords an illustration of the peculiar method which we have tried to describe. You start with the

assumption that the opinions of the *savants* are false and pernicious errors, whilst those of the statesmen, prelates, and nobles are eternal truths. But those who teach and vindicate eternal truths must be preferred to those who teach pernicious errors. Hence the priests and nobles, and not the *savants*, ought to be the teachers of mankind in moral and political wisdom.

When a man has got his path clearly marked out for him in this manner, the rest is plain. All that he has got to do is to think of all the topics which can be urged in favour of men of action as against men of speculation, and of course they are to be found in abundance, and may be developed with any amount of learning and ingenuity. The effect of this is to disguise, pervert, and distort the real truth on a matter of the highest importance, which is easily recognised when the true mode of treating the subject is once grasped.

The truth is, that the right persons to teach nations what is good and what bad are those who themselves know what is good and what bad; and inasmuch as the persons to be taught are many, and the topics with reference to which they are to be taught various, it is obvious that the teachers must also be numerous, and of different characters. The student has much to teach the soldier, and the soldier has much to teach the student, and so of the rest; but if the province of human life and human affairs is made over to the soldier and the priest, and the province

of physical science to the student, you will never be able to take a fair view of the gifts of either, or to see their respective powers and deficiencies otherwise than through an unnatural medium and in a distorted shape. You will be able to say plenty of clever things about both, but you will never thoroughly understand the functions of either.

A similar instance is to be found in De Maistre's whole theory of mysteries. Nothing delights him so much as to oppose instinct and reason, or practice and theory. Assuming the truth of certain doctrines to which he is attached, and observing that they are opposed by unanswerable objections, he infers, not that they are false, but that it is the nature of true propositions to be exposed to unanswerable objections. This has the further advantage of enabling him to add that it is a sort of credit and distinction to a truth to be in this position, and that indeed truths so circumstanced are in the nature of divine mysteries, and are entitled as such to the highest reverence.

We will take two instances of this fallacy, because none can be more characteristic, none is a more prolific source of distorted and misplaced ingenuity, and none is more popular with later writers who are better known in our own time and country. The Senator observes in the course of a discussion on prayer, ‘As often as reason is in opposition to common sense we must repel it like a poisoner. . . . There is no more infallible means of falling into the grossest and most fatal of errors than to reject this or that dogma, simply

because it lies open to an objection which we cannot answer.'

After various illustrations of this general theory he proceeds to enunciate 'a sort of formula to serve for the resolution of all particular cases, as thus: Whenever a proposition is proved by the sort of proof which belongs to it, no objection, even if it be insoluble, ought to be listened to. The impossibility of answering, proves only that the two propositions regarded as true are not really contradictory, which may always happen unless there is a contradiction in terms.'

The best and strongest of his illustrations is taken from astronomy. When Copernicus, he says, put forward his system, he was met by the objection that, if it was true, Venus ought to display phases like those of the moon. Copernicus replied, 'I own I have no answer to give, but God will graciously find an answer.' This answer was, in effect, given by the invention of telescopes, which made the phases of Venus visible to Galileo and to subsequent observers.

Hence, it appears, De Maistre would have concluded that till the invention of telescopes it was the part of wise men to believe both that Copernicus's system was true, and also that Venus had no phases, although the truth of the system of Copernicus implied the phases which were afterwards discovered. This singular state of mind was to be justified on the ground that the truth of the system of Copernicus,



and the absence of the phases of Venus, were each proved by 'le genre de preuve qui lui appartient.'

The first observation upon this is that, if any one had acted upon De Maistre's principle, it would have led him into the error of believing that Venus had no phases, whereas in fact she has. The next observation is that, until the discovery of telescopes, the Copernican system could not be said to be proved, because the evidence, as it stood till telescopes were discovered, was in one material particular opposed to its truth. If the most powerful telescopes had been applied to Venus, and had discovered no phases, it would surely have followed that the view of Copernicus as to the position of the planet was incorrect.

More generally the fallacy of De Maistre's rule lies in the assumption that a proposition can be proved to be true 'by the kind of proof appropriate to it,' so long as there are insoluble objections to it. The objections are part of the evidence, from a comparison of which we must ascertain whether a given proposition is proved or not.

Carrying the matter still further, it is obvious that De Maistre, like some other writers who are fond of opposing facts to theories, had no clear conception of the distinction between the two. The proposition that the sun and the planets move in a certain way is the statement of a theory, and so, if you look at it narrowly, is the statement that Venus has or has not phases like the moon. The evidence that she has not, is the impression made on the naked eye by

looking at her. The evidence that she has, is the impression made on the eye by looking through a telescope. What are really opposed are not two facts, each proved by appropriate evidence, but two conflicting theories, each supported by certain items of evidence and encountered by others. De Maistre's rule, properly stated, comes to no more than that, in weighing evidence, you ought to weigh evidence on both sides of the question.

The true inference from the fact that in most cases there is evidence both ways, and that even highly probable opinions are frequently open to insoluble objections, is that, in such cases, the proper and honest mental attitude is one of doubt. Where we meet with insoluble objections to popular opinions, it is certainly not true that we ought at once to regard the opinions as false. The fact of their existence and popularity is some evidence of their truth, and strong evidence of their containing at all events some amount of truth; but it is equally clear that we ought to attach a proper degree of weight to the objection, and to remain in doubt till the matter is cleared up, though we may act on the balance of probabilities.

These illustrations are enough to indicate the character and the source of that unnatural and distorted ingenuity which shows itself in every part of all De Maistre's works. We will try, in conclusion, to point out a few of the points of sympathy which existed between him and the more modern schools of thought,

of which he was such a bitter opponent. Perhaps the most remarkable of these, in a philosophical point of view, is his conception of the nature of physical science, which, on very different grounds, no doubt closely resembles that of Comte, and has a close affinity with Berkeley.

The object of De Maistre's life was the exaltation of the spiritual side of things, of the doctrine of innate ideas, of the doctrine of the immortality of the soul, of the direct recognition of God by man, and the like. In his zeal for these doctrines, he always asserted that physical science was only the veil of spiritual science, that it was concerned with appearances only, and that it could not rise to the contemplation of causes, which was the exclusive prerogative of spiritual science.

The following sentence, which is the culminating point of a long discussion, gives us his view on this subject: 'Il n'y a donc aucune loi sensible qui n'ait *derrière elle* (passez-moi cette expression ridicule) une loi spirituelle dont la première n'est que l'expression visible; et voilà pourquoi toute explication de cause par la matière ne contentera jamais un bon esprit.' A little before he says, 'ces mots de *cause* et de *matière* s'excluent mutuellement comme ceux de *cercle* et de *triangle*.' Take away the spiritual law which lies behind the material law, and the material laws themselves are conceived of, just as Comte and his school conceive of them. Physical science in this view becomes at once a plan for the investigation and

classification of facts, from which the consideration of causes is altogether excluded.

It is, however, perhaps rather by his temper than by his intellect that De Maistre belonged emphatically to the nineteenth century. With all his scrupulous orthodoxy, a vein of what he describes as illuminism ran through the whole of his character. Notwithstanding his tendency to regard the world and human history as a vast exemplification of criminal justice here and hereafter, he was continually feeling after a wider and happier view of human destinies and of human nature.

In the last conversation the Senator delivers a long oration on the coming times, and on the prophecies which are to be fulfilled. He asks whether the Bible can be received in its literal sense? Whether we must not believe that it pleased God to allow the writers of it 'to speak sometimes each as he pleased, according to the ideas which prevailed at this epoch or that, and sometimes to hide under simple or even rude appearances, mysteries not made for all ages?' May not the ancient oracles and the Biblical prophecies be on the point of being fulfilled? Is not this to be inferred from the state of science and the course of events? May we not suppose that the general decay of religion, in all sects and churches, is the prelude of a new revelation, by which existing creeds will be at once confirmed, attested, and transfigured? 'Tout annonce, et nos propres observations mêmes le démontrent, je ne sais quelle grande unité

vers laquelle nous marchons à grands pas.’ And a little before he says: ‘Then all science will change its aspect, the spirit long dethroned and forgotten will resume its place. It will be demonstrated that the ancient traditions are all true; that Paganism was only a system of truths corrupted and displaced; that it is enough to clean them, so to speak, and arrange them, to see them shine with all their radiance. In a word, all ideas will change; and since a crowd of the elect will cry in concert on every side, “Come, Lord, come!” why should you blame men who rush towards this glorious future and boast of discerning it?’

DE MAISTRE'S MINOR WORKS <sup>1</sup>

WE have already noticed some of De Maistre's more important works, and have tried to describe some of the principal characteristics of his style and of his mind ; but, little as we agree with him, the interest of what he writes, the vigour and hardihood of his assertions, and the force and brilliancy of his style are so attractive, that we propose to make some observations on three of his minor works which are usually published together. These are the *Considérations sur la France*, the *Principe Générateur des Constitutions Politiques*, and three letters on the Spanish Inquisition.

No one of the three much exceeds in length an ordinary pamphlet, but each of them is so full of thought, so striking both in substance and in style, and embodies in so vigorous a manner the revival of old principles in somewhat novel forms, and the pro-

<sup>1</sup> *Considérations sur la France. Lettres à un Gentilhomme russe sur l'Inquisition espagnole. Par le Comte Joseph de Maistre.*

test made in their name against their triumphant antagonists, that when they are spoken of as minor works, the phrase must be taken to apply to nothing but their size.

The *Considérations sur la France* were published in 1796, the year of the great Italian campaign. The first struggles of the Revolution were over, and the great movement had taken the military form, which was to distinguish it for the next twenty years, and to be a prelude to that much quieter but far more widely extended, profound, and radical form which it has assumed since 1815, and under which it is rapidly changing the whole framework, and recasting all the old institutions, of European society. It is well worth while to see what an observer, whose shrewdness and brilliancy were only equalled by his oneness, thought of the great change at so early a period of its history. It is not difficult to exhibit his view of the subject shortly, for, as one of his principal talents was that of illustration and expansion, he had occasion to repeat his main thought many times over in various forms.

The following, then, were his principal considerations on the French Revolution: The Revolution is not the work of men. They, on the contrary, are its instruments. The Divinity never showed himself so clearly in any human event. This is proved by the fact that 'des hommes plus que médiocres' took the measure of the Revolution better than their superiors, and managed its affairs more wisely.

They never made a mistake, any more than Vancanson's flute-player, because they were mere puppets in the hands of one stronger than themselves. What, then, was the design of Providence in the French Revolution? This is matter of conjecture, but it may be supposed that the object was both to punish the French nation for its crimes, and to purify it by suffering, for the great part which properly, by an immutable law of nature, belongs to it in European affairs.

With all his absolutism De Maistre asserted with the utmost emphasis the necessity of preserving the independence of France, even at the expense of obeying the Committee of Public Safety: '*Le mouvement révolutionnaire une fois accompli, la France et la monarchie ne pouvaient être sauvées que par le jacobinisme.*' His fundamental principle was that France 'exercises over Europe a real magistracy which it would be useless to contest, and which she has abused in the most criminal manner.' This magistracy was to be preserved, and at the same moment the abuses of it, and the special crimes of all classes of Frenchmen, were to be punished by the scourge of war and its miseries.

This was the explanation of the success of the French. This is why '*les vents conduisent les vaisseaux des Français et repoussent ceux de leurs ennemis; que l'hiver fait des ponts de glace au moment où ils en ont besoin; que les souverains qui les gênent meurent à point nommé,*' etc. We have



a right to make these conjectures, because it is a general law of human nature that nations are chastised by war, and that these chastisements have indirect advantages. It is true that wars punish the innocent as well as the guilty, but this is only an illustration of another general law—that which provides that the innocent may suffer for, and to the advantage of, the guilty. The joint operation of these three laws—the magistracy of France in Europe, the punishment of national sins by war, and the power which the innocent have of expiating guilt by vicarious suffering—supply the moral interpretation of the French Revolution. The interpretation, no doubt, is conjectural, but ‘*si nos conjectures sont plausibles, si elles ont pour elles l’analogie, si elles s’appuient sur des idées universelles, si surtout elles sont consolantes et propres à nous rendre meilleurs, que nous manque-t-il? Si elles ne sont pas vraies elles sont bonnes; ou plutôt puisqu’elles sont bonnes ne sont-elles pas vraies?*’

Passing from the moral to the political point of view, De Maistre goes on to advocate a counter-revolution. A great part of his arguments have lost the interest which they once possessed, but part of them have rather gained than lost in importance by the lapse of years which have passed since they were written. There are to be found in De Maistre the germs of several of the most popular of the Ultramontanist commonplaces which since his time have come to occupy a very

large space in the world. At the moment of its highest power and greatest apparent triumph he denounced the Revolution in its fundamental principles. He declared that it was utterly bad, that it would perish and pass away, that it was essentially antichristian, that Christianity would rise up against it, purified and strengthened by disaster, and overthrow it.

‘Le philosophisme’ (he says) ‘n’a donc plus de plaintes à faire ; toutes les chances humaines sont en sa faveur ; on fait tout pour lui et tout contre sa rivale. S’il est vainqueur il ne dira pas comme César : Je suis venu, j’ai vu et j’ai vaincu ; mais enfin il aura vaincu ; il peut battre des mains et s’asseoir fièrement sur une croix renversée. Mais si le christianisme sort de cette épreuve terrible plus pur et plus vigoureux ; si Hercule chrétien, fort de sa seule force, soulève le fils de la terre et l’étouffe dans ses bras, *patuit Deus*.’

Besides this, he insists at length upon the nullity, as he calls it, of the republican Constitution in France. Every nation has its own natural constitution, which cannot be changed in an arbitrary manner. Men can no more make a Constitution—that is, a general scheme of laws and political arrangements—than they can make a new law of nature. ‘L’homme peut tout modifier dans la sphère de son existence, mais il ne crée rien ; telle est la loi, au physique comme au moral.’ Constitutions are the work of God. They grow, and are not made. Institutions

to be durable must not be too human. No Constitution results from a deliberation; the 'rights of the people are never written; at least constitutional enactments and fundamental written laws are only declaratory statements of pre-existing rights, of which all that can be said is that they exist because they exist.' The rights of the people, properly so called, may have a legitimate origin in royal grants; but the rights of the sovereign and the aristocracy 'n'ont ni date ni auteur.' France is by nature a monarchy, and never can be anything else permanently. Above all, it can never be a republic. A great republic is an impossibility. You might as well attempt to make a round square.

All this forms the introduction to an argument to show that the restoration of the monarchy was to be heartily desired, and need not be regarded with apprehension by any one. De Maistre ridicules the notion that the people at large would oppose this: 'Le peuple n'est pour rien dans les révolutions, ou du moins il n'y entre que comme instrument passif. Quatre ou cinq personnes peut-être donneront un roi à la France.'

A considerable part of these speculations is commonplace enough. People far inferior to De Maistre are capable of offering all sorts of conjectures about the design of Providence in this or that series of events; but the conception of the fixed position of the different European nations, and in particular of the natural imprescriptible right of France to a sort

of political primacy in European affairs, is very striking.

De Maistre, if we are not mistaken, was one of the first preachers of this doctrine, which has since taken a great variety of forms, from that of the doctrine of natural boundaries, which is preached in every French newspaper at intervals, to the singular romance of Auguste Comte, in which France occupies the first place in the great Western European Confederacy, which is itself the forerunner of that still more advanced and wonderful condition of things, in which we are to have a Positivist priesthood, calendar, and other appliances.

Comte used to describe De Maistre as one of his 'precursors,' and nothing can be more curious than the points of resemblance which do undoubtedly exist, between two men who might in many respects be regarded as affording the most irreconcilable contrast to each other that it is possible to conceive. The belief in a natural hierarchy among European nations, the theory of the growth of Constitutions, the belief in the insignificance of individual efforts in comparison with the importance of general causes, are common to both. God and Providence, as conceived by De Maistre, might without much difficulty be translated into General Necessity, as conceived by Comte.

The remarks as to the antichristian character of the Revolution are obvious enough in one sense, but they are remarkable for the courage with which De

Maistre predicts the coming triumphs of Christianity, or what he regarded as identical with it—the theology of his own Church—at a time when it certainly was at as low an ebb as it has ever stood at in modern history.

The great reaction which has taken place since his time, and of which we are as yet far from having seen the end, affords very plausible grounds for the assertion that he was right, and that the doctrines which were for the moment trampled upon, and thrown into the background by the violence of the Revolution, are really destined to regain more than all that they had at any time lost. It would be a great undertaking to follow out completely all the points which this reflection suggests. No doubt there has been a great theological reaction all over Europe, but it is no less true that the spread of various forms of anti-theological thought has been at least equally great, if not greater.

De Maistre, like his successors, was an essentially one-sided man, and totally forgot to take into account any of the facts which make against his favourite theories. The truth as to the great contest between what may broadly be called theology and philosophy is something of this sort: For a great length of time theology reigned over thought of all kinds, but during that period the number of people who thought at all upon philosophical or theological subjects was very small. After many changes and convulsions, religious disbelief allied itself with political discontent,

and at the end of the last century produced a terrible explosion.

Terrible as it was, it took place in an ignorant age, and amongst people who were, generally speaking, deeply ignorant. Since the actual convulsion ceased, there has been an enormous spread of thought and knowledge of all kinds, and amongst all classes of men; and both the religious and the philosophic parties (if they are to be opposed to each other) have gained largely in numbers, in intelligence, and in acquaintance with the subject. Where one person took an intelligent interest in such discussions eighty years ago, fifty take an interest in them now; and though it is quite true that the relative increase of the religious party has been greatest, inasmuch as it appears to have started from a singularly low point, the positive increase of the philosophical party has probably been still greater, especially amongst the most intelligent and educated classes of society.

It is perfectly true, on the one hand, that the hold of the clergy over women, over the poor, over education in all classes of society, is far greater now than it was in the latter part of the last century, both in this and in other countries; but it is equally true, on the other, that the general tendency of every form of speculation has not been in the orthodox direction. If our generation is represented in one direction by Lacordaire, Montalembert, Döllinger, and Dr. Newman, it is represented in other directions by Strauss, by Comte, and by Mr. Mill.

The revival of theology, of which so much is said, has to a great extent taken place under the protection of principles radically opposed to it. Catholic emancipation was carried only in the name of the theory of religious equality ; and, in order to get leave to teach at all in France, the religious orders have had to insist on the general principle that it should be free to all alike to keep schools. In a few words, theology has gained considerable ground by taking its place as one amongst many conflicting systems of opinion ; but the very fact that it has accepted that position to so great an extent has considerably changed its character, and has subjected it to responsibilities altogether unlike those which formerly belonged to it.

In its infancy Christianity was persecuted. It then by degrees became itself a ruler, and therefore a persecutor. It is now a tolerated system, or rather the aggregate of many tolerated systems, but it no longer informs and inspires the great objects of human interest—government, literature, and science. Each of these has found a basis, and acts by methods, of its own.

The great defect of all De Maistre's writings, especially of all his political speculations, is his obstinate refusal to realise this truth. To look at the French Revolution, and the whole of that immense movement of which it was only a part, as one vast mad revolt against all that is holy and true, or as the punishment providentially ordained for such a revolt,

is utterly to misunderstand it ; and no genius, no shrewdness, no learning, will save those who permit themselves to take such a view, from being imperfect, one-sided, and radically sophistical.

Of De Maistre's theory about written constitutions, and the mystical theory of constitutional law of which he was the inventor, much might be said ; but as this thought is only touched upon in the *Considérations sur la France*, and is worked out at length in the remarkable *Essai sur le Principe Générateur des Constitutions Politiques*, we shall reserve what we have to say about it for separate considerations upon that essay.

The letters on the Spanish Inquisition are singularly characteristic, and deserve to be well known, though they are a slight performance. The gist of them is as follows : The Inquisition is generally supposed to be a purely ecclesiastical tribunal. It is supposed that the ecclesiastics who sit in it condemn certain criminals to death. It is supposed that those criminals are condemned to death for simple opinions.

Each of these three suppositions is false. As to the ecclesiastical character of the tribunal, it is true that 'the tribunal of the Inquisition is composed of a supreme chief called the Grand Inquisitor, who is always an archbishop or bishop ; of eight ecclesiastical counsellors, six secular and two regular, of whom one is always a Dominican and the other a member of the other orders alternately.' It is also true that 'the (Grand) Inquisitor, in virtue of the rules of the



Sovereign Pontiff, and the King, in virtue of his royal prerogative, constitute the authority which regulates, and has constantly regulated, the tribunals of the Inquisition—tribunals which are at once ecclesiastical and royal, so that if either of the two powers were to withdraw itself, the action of the tribunal would of necessity be suspended.'

All this, however, according to De Maistre, shows that the tribunal is 'purely royal,' inasmuch as the King appointed the Inquisitor-General, and could, if he had pleased, have suppressed the tribunal itself, or suspended or altered any part of its procedure. This is an excellent instance of De Maistre's sophistry. Of course the clergy never had, in any country whatever except the States of the Church, and perhaps in the old German Bishoprics, the power of inflicting legal punishment except through the civil authorities. When they are charged with persecution, the meaning of the charge is that they instigated the civil power to persecute by inculcating upon civil magistrates the duty of suppressing heresy, and the awful character of heresy in a religious point of view. De Maistre's whole defence is that they were only accessories before the fact, instead of being principals. How efficient they were, and how very like principals, is sufficiently proved by his own words, which we have just quoted.

Secondly, says De Maistre, it is quite untrue that the Inquisition ever condemned any one to death. He quotes the common form of a sentence, and

italicises the concluding words—‘The accused must be abandoned to justice and to the secular arm, *which we pray and affectionately charge, as well and strongly as we can, to act towards the convict with kindness and pity.*’ He admits that the writer from whom he quotes adds that this was a mere formality, which produced no effect ; but he says again in italics, ‘*Cette objection n’ébranle point la thèse générale, que l’Inquisition ne condamne jamais à mort, et que jamais le nom d’un prêtre catholique ne se lira au bas d’un jugement capital.*’ All the responsibility lies on the civil courts. If, in virtue of an ecclesiastical sentence, they put an innocent person to death, it is their fault. In any other writer this might be taken for irony. How could the ecclesiastical tribunal show its temper and its power more clearly than by throwing upon the civil courts, not only the task of doing its dirty work, but the responsibility of all mistakes ? It is the judge saying to the hangman, ‘What a brute you are to put people to death at all, and mind, if they are innocent, you are a murderer, and it is no offence of mine.’

Lastly, it is quite absurd, and a monstrous calumny, to say that the Inquisition ever executed people for mere opinions. They were executed for expressing their opinions, for ‘dogmatising,’ for being ‘declared and public enemies of the Spanish dogma’; and as for the Jews in particular, they were executed for being relapsed. ‘Jewish converts who chose to Judaize could leave Spain if they pleased, or if they stayed there, or tried to seduce Christians, they knew to what

they exposed themselves. No one has a right to complain of a law made for all.' It is difficult to argue about first principles, but the great mass of mankind have a rooted conviction that no subject of complaint is more justifiable than the existence of a law made for all, which is calculated to produce all sorts of misery, and to suppress and prevent all sorts of good.

Of course this observation introduces the real defence of the Inquisition—a defence not very consistent with the praises given in other parts of the letters to its mildness. Judaism had to be put down, and the Inquisition did it. 'Il fallait effrayer l'imagination en montrant sans cesse l'anathème attaché au seul soupçon de judaïsme et de mahometisme. L'hérésiarque, l'hérétique obstiné et le propagateur de l'hérésie doivent être rangés incontestablement au rang des plus grands criminels.'

Instead of being misled by modern indifference on this point, we ought to take as our measure 'le zèle antique qu'on est bien le maître d'appeler *fanatisme*, le mot ne faisant rien du tout à la chose.' The true justification of the Inquisition is to be found in its results. It has kept Spain free from the invasion of heresy and modern philosophy. Spain is the best nation in Europe. It has been free from the convulsions of other European nations. It has no superstitions; there may be amongst the lower classes some little excess in the nature of the honour paid to the saints, and so on, but no people believe less in amulets, dreams, apparitions, etc.

Least of all can England sustain a comparison with Spain. England, says De Maistre, in the first place persecuted the Catholics far more than the Spaniards persecuted the Protestants or Jews ; and, in the next place, all English legislation in the present day is based upon religious indifference, and is to be understood only on the supposition that the English nation cares nothing for religious unity and the future world. In Spain, on the contrary, '*la législation se tourne avant tout vers le monde futur.*' 'Truth being intolerant in its nature, to profess religious toleration is to profess doubt, that is to say, to exclude faith.' In nations which hold this faith 'legislation turns before everything else to the future world.'

This is certainly plain and consistent, though we do not think it is in any degree just as regards England. De Maistre ought in consistency to have owned that the English system and English legislation were, at all events, as consistent as the Spanish. No one in these days will defend the penal laws, especially those which were enacted against the Roman Catholics in Ireland ; but, on the other hand, it is perfectly clear, from De Maistre's own way of stating the matter, that the English penal laws were exclusively political in their object, and that the principles of Roman Catholics, as he understood them, were such, at the time of the Reformation, as to lead them to give the greatest possible provocation to a Protestant Government.

If the Roman Catholics had acquiesced in the Re-

formation considered as a political change, they would never have been troubled for their private religious opinions. There never was a time in English history when the mere fact that a man avowedly held the Roman Catholic creed subjected him to legal punishments proper. The Government never cared a straw about saving souls. They persecuted only in so far as they thought it politically expedient to do so. As to religious indifference, there is probably greater interest felt in every sort of religious discussion in England and America than in all the rest of the world put together. It is a topic on which hardly any one in this country is neutral; and though for political purposes people have happily agreed to sink their differences, the differences themselves attract as much attention as ever. That the whole English nation cannot be said to have, in its corporate capacity, any distinct religious faith is an undoubted truth; but it is equally true that a vast number of individuals, and organised religious bodies contained in it, have strong religious convictions, and it is by no means impossible that, if the balance could be struck, it would be found that the amount of religious indifference or disbelief concealed under a system of silent official uniformity, is as great as is to be found in the midst of our violent controversies.

This, however, is by the way. It is no doubt true that doubt and toleration do go together, but the question is whether, if nothing but intolerance carried to the pitch of fierce persecution can prevent the

growth and expression of doubt, doubt is not, for the present at least, the natural and proper condition of mankind? To this great question no answer, so far as we know, is to be got from De Maistre, except violent and scarcely intelligible affirmations, and brilliant declamation which can convince no one who requires to be convinced.

## XVI

### DE MAISTRE'S 'PRINCIPE GÉNÉRATEUR' <sup>1</sup>

IN noticing De Maistre's *Considerations on France* and *Letters on the Spanish Inquisition*, we said a few words of that part of the first-named essay which relates to written constitutions, and which is expanded in the *Essai sur le Principe Générateur des Constitutions Modernes*, the most original and systematic of its author's speculations. It has been the source of commonplaces which are repeated in all directions, and on all occasions, by writers who have no notion of the source from which they derive them. The following is an outline of its contents.

The preface begins by laying down the principle that 'Whatever in this science' (politics) 'good sense regards at first sight as an evident truth, almost always turns out, when experience has spoken, to be not only false, but fatal'; and after giving various examples, he goes on to lay down a variety of principles, which he says are proved by experience to

<sup>1</sup> *Essai sur le Principe Générateur des Constitutions Politiques et des autres Institutions Humaines.* Par le Comte Joseph de Maistre. First Edition. 1809.

be true in 'the most substantial and most fundamental part of politics, that is to say, in what relates to the very constitution of empires.' These principles are as follows :—

'1. No constitution results from a deliberation ; the rights of the people are never written, or, if they are, it is only as a simple declaration of anterior unwritten rights.

'2. Human action is circumscribed in cases of this sort to such a degree that the men who act are only circumstances.

'3. The rights of the people, properly so called, proceed almost always from the concessions of sovereigns, in which case they may be in evidence historically ; but the rights of the sovereign and of the aristocracy have no known dates or authors.

'4. Even these concessions have always been preceded by a state of things which has made them necessary, and which did not depend upon the sovereign.

'5. Though written laws are never more than declarations of anterior rights, it is far from the truth that all rights can be written.

'6. The more writing the weaker is the institution.

'7. No nation can give itself liberty if it has not got it, as human influence does not extend beyond the development of existing rights.

'8. Legislators properly so called are extraordinary men, who belong perhaps only to the ancient world and the youth of nations.



'9. These legislators, with all their marvellous power, have never done more than collect pre-existing elements, and have always acted in the name of the Divinity.

'10. Liberty in one sense is a gift of kings; for almost all free nations were constituted by kings.

'11. No free nation ever existed which had not, in its natural constitution, germs of liberty as old as itself, and no nation ever tried effectually to develop by its written fundamental laws, other rights than those which existed in its natural constitution.

'12. Assemblies of whatever kind cannot constitute nations. Such an enterprise ought to be placed amongst the most memorable acts of madness.'

These principles, which are announced in a body in the preface, are expanded and supported in the body of the essay itself. De Maistre begins with considering the nature of laws. A law, he says, is not, as Locke declared, 'the expression of the general will'; such laws are mere regulations (*règlements*). A law (*loi*) is the expression of a superior will. He quotes Bergier for the remark, 'Sans le dogme d'un Dieu législateur, toute obligation morale est chimérique. Forcée d'un côté, impuissance de l'autre, voilà tout le lien des sociétés humaines.' Hence 'primordial good sense, happily anterior to sophisms, has sought on every side a sanction for its laws in super-human power, either from God, or in revering certain unwritten laws as emanating from him.'

Fundamental law, 'ce qu'il y a de plus essentiel, de

plus intrinséquement constitutionnel et de véritablement fondamental,' never is written, and never can be written, without danger to the State. The English Constitution, in particular, abounds with proofs of this. It is, he says, 'l'unité la plus compliquée et le plus bel équilibre de forces politiques q'un ait jamais vu dans le monde.' It was made by circumstances infinite in number, and the fact, that out of these numerous and discordant elements, there arose such a whole, is as clear a proof that the English Constitution was made by God, and not by man, as the fact that letters thrown out of a window, formed a poem when they reached the ground, would be, of the fact that they were guided in their fall by some intelligent cause.

The greatest of all cases of an unwritten law is to be found in Christianity. The New Testament contains no system of dogmas imperatively announced. Creeds in all ages have been the work of heretics. 'If Christianity had never been attacked it would never have written to fix its dogmas; though, on the other hand, dogma has never been fixed by writing, except because it existed before in its natural condition of *word*.'

The true authors of the Council of Trent were Luther and Calvin. 'The faith would be a thousand times more angelic if a sophistical opposition had not forced it to write; it weeps over the decisions which revolt dragged from it, and which were always misfortunes, since they all suppose doubt or attack,

and could not be born except in the midst of the most dangerous convulsions. The state of war raised these venerable ramparts round the truth; they defend it no doubt, and make it impregnable, but by that very fact less accessible.' Christianity, considered as a system of Church government, follows the same principles.

The superhuman character of the Papal authority is proved by the fact that, like all other great and lasting things, it was developed by degrees, having in its infancy been altogether a different thing from what it afterwards became. This supernatural character of all law, properly so called, is further proved by the fact that all ancient legislators surrounded their institutions with religious sanctions, and that the only cases in which savages have been civilised by Europeans, are cases in which they have been civilised by missionaries, Paraguay being the great illustration.

So small is mere human power in the matter of legislation that men cannot even reform efficiently. 'De là cette aversion machinale de tous les bons esprits pour les innovations. Le mot de *réforme* en lui-même, et avant tout examen, sera toujours suspect à la sagesse.'

Men cannot even name an institution if they try to do so. The names which really last are names given by accident—'Sceptre,' 'Chancellor,' 'Constable,' 'Tuileries,' etc. We must always distrust 'tout nom pompeux imposé à priori.' A rather unlucky illustration of this is given in the *Considera-*

*tions on France.* The Americans, he says, propose to build a town, to be called Washington, where the Congress is to sit. 'There is too much deliberation, too much *humanity* in this affair; you may bet a thousand to one that the town will not be built, or will not be called Washington, or that the Congress will not sit there.'

If ancient history is not sufficient to demonstrate the truth of his principles as to the Divine origin of society and sovereignty, De Maistre appeals to contemporary history to complete his case. The elimination of the Divine element from society, he considers is proved by modern experience, to be destructive to all institutions. The general spirit of the eighteenth century was that of 'an insurrection against God.' People had doubted and had denied in other ages, but in no other age had their denial taken the form of hatred against all that is holy.

He puts into the mouth of the philosophy of the eighteenth century the following passionate burst of blasphemy addressed to the Almighty: 'Leave us. Must we then eternally tremble before priests, and receive from them such instructions as they choose to give us? Truth all over Europe is hidden by the smoke of incense. It is time for it to emerge from this fatal cloud. We will speak of thee no more to our children; when they grow up to be men, they will have to find out for themselves whether thou dost exist, what thou art, and what thou dost ask of them. All that exists displeases us because thy

name is written on all that exists. We will destroy all, and remake it without thee. Get out of our councils, get out of our universities, get out of our houses; we shall know how to act for ourselves; reason is enough for us. Leave us. . . . How' (he continues) 'has God punished this execrable madness? He has punished it as he created light—by a single word. He said, *Do (faites)*, and the political world fell.'

These are the leading points in this remarkable essay—remarkable as the first, the most eloquent, and the most plausible protest ever made against what its author called, in general terms, 'modern principles'; remarkable as containing, in a short and pointed form, the whole of that theory of Development which Dr. Newman has made so celebrated in our own country; remarkable as one of the earliest works in which the general principles of what we should now call historical science are put forward, though not correctly, in the form in which we are accustomed to them; and remarkable, lastly, for the vein of ingenious sophistry which runs through it from first to last, and which vitiates every one of its conclusions when they are closely examined.

No man in modern times ever admired the Jesuits more than De Maistre. No man ever exhibited in a more striking shape the characteristics which are usually ascribed to that Society—dexterity, plausible subtlety in talking the language of each successive generation, and one-sided sophistry which even in

the most sincere has all the effects of insincerity. With these observations we will proceed to examine the general principles of the essay, and try to point out the fallacies by which it is pervaded.

The general object of the whole essay is to surround the origin of all Governments with mystery, to represent all political institutions as divine, and to deny that men made, or can make, or improve them. This is made out by misrepresenting a fact of the highest importance, which De Maistre apprehended imperfectly (for no one can accuse him of conscious sophistry), and by misusing a familiar word. The fact misrepresented is the fact that men did not make human nature itself. The word misused is the word 'law.' If these points are properly appreciated, they will supply the key to the whole of De Maistre's arguments, and to many others conceived in the same spirit.

First as to the fact. It is an important truth that the power of legislation is bounded by human nature, and that no legislation can be either permanent or useful, which is not founded upon facts over which the legislator has no control whatever. The general outline of morality, family relations, and all the leading human passions, together with the consequences which they produce, precede legislation. They were the materials with which the first legislators, whoever they may have been, had to deal; just as the existing state of things, the existing distribution of property, intelligence, population, etc.,

are the materials with which those whose business it is to frame Reform Bills have to deal in the present day ; and no doubt any laws which had been made in complete disregard of those facts, would have been broken through, and would not have lasted.

Not only is the proposition that the power of legislators is bounded by circumstances perfectly true, but it is a truth which no legislator ought ever to forget, however much he may be disposed to do so. It is highly desirable, for instance, that we in this country should be generally aware of the fact that it is not in the power of Parliament either to make England as democratic as the United States, or to prevent it in the course of time from becoming so, if in point of fact the course of events and the general progress of society tend in that direction. In the same way, it was not in the power of the various legislators who in the last century made laws for America to alter the natural course of events there. The constitutions devised by Locke and others for different States which now form part of the Union, were mere pieces of waste paper.

The appreciation of this fact lies at the bottom of all intelligent study of history, and of all sound practical legislation, and De Maistre is entitled to great credit for having perceived its existence ; but the more his views are examined, the more clearly will it appear that he saw the fact itself through a distorted medium, and described it in language altogether incorrect and misleading. He draws from the facts that men did not make their own nature, and that

laws which are not founded upon, and not agreeable to, that nature are not permanent, the inference that laws which are permanent are not made by men, but are imposed by God. It would be just as reasonable to say that God builds line-of-battle ships, because men do not create oak trees and iron ore. Of course there is a sense in which it may be said that everything whatever, the worst things as well as the best, the most insignificant as well as the most important, are the work of God; but as this may be affirmed of everything whatever, there is no use in affirming it of any one thing in particular.

De Maistre was more or less conscious of this difficulty, and he accordingly tried to meet it by the second expedient which we have mentioned—playing upon the word ‘law.’ He draws a distinction between a law and a rule, and he says that though men may make rules (*règlements*) God only can make laws, and that the instruments which he chooses for this purpose are certain semi-divine legislators, who appear only in the infancy of nations and legislate for them.

It is certainly true that laws in very ancient times were regarded as something supernatural; but it is equally true that the more these supposed supernatural laws are examined, the more clearly will it appear to be impossible to point out any substantial distinction between them and the laws, commonly so called, which are made every day by all the governments and most of the courts of justice in the world.



This may easily be tested by taking a specimen of each class. If De Maistre had been asked to give an instance of a true law, in his own sense of the word, he would probably have chosen the law of the old French monarchy, that France should be a monarchy hereditary in the male line. If he had been asked to mention a *règlement*, he might have taken any English Act of Parliament at random.

Let us consider, then, whether there is any substantial generic difference between the two. When we say that for many centuries—fourteen, if any one pleases to say so—it was the law of France that sovereignty should be hereditary, and should exclude women, what do we mean? We mean that during that period all the parties concerned were accustomed to act upon that principle, and that any one who acted on a different principle did so (as Edward III. did) at the risk of being resisted, defeated, and, if he were a private person, punished, by the public force of the French nation. Foolishly or not, such was the fact; and the short rule, generally known to all the world, which commemorated the fact, was the law of France. If the French from any cause had ceased to act upon or enforce it, it would no longer have been a law. It would still have been a principle, to which it might have been wise to attend, but its quality as a law depended upon the fact that it could not be disobeyed with impunity.

This differs from the most petty provisions in the

most commonplace Act of Parliament only in respect of their comparative importance. Each is a rule affecting human conduct, and each is a rule capable of being enforced by penalties against all who violate it, and each would cease to be a rule, and become a mere speculative principle, if the sanction by which it is enforceable were to be withdrawn. If, then, there is no difference, except a difference of degree, between the most solemn and important, and the pettiest and most technical of laws—between what De Maistre calls a law and what he calls a regulation—and if he himself admits that regulations are continually made by men even in matters of great importance, what necessity is there for assigning any mysterious origin to what he calls laws? Why should not the one be made by men as well as the other?

This line of thought supplies the answer to De Maistre's observations about written laws, their supposed foundation in pre-existent rights, and the supposed weakness inherent in constitutions which require them. Rights are the creatures of laws, and cannot precede them. They may of course be conferred by an unwritten as well as by a written law; but it is impossible to frame any intelligible notion of a right without a law from which it is derived.

So long as Robinson Crusoe lived all alone in his island, he had no rights. He could have none till other men, subject to a common superior, divine or human, joined him. When a law is unwritten and

is liable to be differently understood by different people, the rights which it confers are ambiguous; and thus, when it is put into writing, what happens is not the confirmation of pre-existing rights, but the establishment of a particular set of rights, to the exclusion of all others. A written law which fixes once for all the meaning of what was ambiguous before is as much an innovation as any other.

A reading which confined the line

*Aio te Æacida Romanos vincere posse*

to one of its two possible meanings would alter that which is most characteristic about it; and though *Magna Charta* and the statute which defines treason are declaratory in form, every one knows that in fact they both did confer, and were regarded as conferring, upon English subjects some of their most important rights. To say that a man has no right to a thing, but that he has a capacity of getting one, and to say that he has a right to a thing, but that his right is disputed and unascertained, is to say the same thing in different words. A right is a power conferred by law, and whilst the law is doubtful the right is only inchoate.

The truth is that, when De Maistre denies that men can legislate, because their legislation is founded on pre-existing rights, he means that they usually legislate by the help of fictions. They declare that such a thing is the law, when they really mean that for the future it shall be, and shall be considered to have been, the law.

When judges pronounce on a new or unsettled legal question, they appear to declare, but they in truth make, the law upon the subject. They no doubt make it in accordance with principles and decisions laid down by their predecessors. They do not invent it entirely out of their own heads. They prolong existing lines, and complete an existing though imperfect plan, but they not the less cause that to be regarded as settled law, which was before a moot point; and they thus alter a part of the law of the country. To remove obscurity is to alter.

This is the true criticism upon that doctrine of Development of which De Maistre and Dr. Newman have said so much. Development is an active process. It is legislation and alteration—improvement possibly, but still alteration; and thus, in their anxiety to prove the immutability of their own dogmas, and to restrict the sphere of human reason, these eminent men have only succeeded in showing how various are the forms which human activity assumes, and how it will do under one name what it considers itself to be forbidden to do under another. Men who will not alter, or legislate, or speculate for the world in plain words, are the most active of legislators, speculators, and innovators, under the fiction of being guardians of a tradition.

If we pass from De Maistre's theory to his facts, we find that onesidedness and partiality are at least as characteristic of the one as of the other. His argument contains, amongst other things, one of the

most singular cases of 'Heads I win, tails you lose,' which are anywhere to be met with. The more writing, he says, the more weakness, and he quotes the New Testament and the history of Christianity as a proof of it. Here, he says, there was originally no writing at all. All was oral, and the heretics were the cause of the written dogmas.

He then turns to the case of the Old Testament. Here there was a written law which founded the most durable institution in the world; for Judaism has lasted 3000 or 4000 years, and is based on the books of Moses. With this inconvenient fact De Maistre deals as ingeniously as Warburton himself. Precisely so, he replies; and what more convincing proof can you have of the miraculous origin of the Mosaic institutions? 'Cette magnifique exception à une loi générale qui n'a cédé qu'une fois, et n'a cédé qu'à son auteur, démontre seule la mission divine du grand législateur des Hébreux bien mieux que' — Warburton's *Divine Legation*.

The two arguments appear to us to be much upon a par. How, by the way, came De Maistre to forget the Koran? There is a written law which governs, and has for more than twelve centuries governed, the consciences of men, without much variation, from Delhi to Morocco. Is this a diabolic miracle? If every fact in his favour was natural, and every fact against him miraculous, De Maistre was fortunate. As to writing proving weakness, it is no doubt true that written laws shackle the discretion of legislators

and of the executive power, and this under some circumstances may be a bad thing.

It is also quite true that to write laws wisely requires great experience and consummate care. To suppose that a lasting constitution may be written some morning before breakfast, and that such a scheme can change the whole character and social condition of a country, is simply a childish error, into which no doubt many people have fallen at different times; but to argue from this that written laws on constitutional subjects, and proceeding upon deliberation, are useless or impossible to make, is to argue at random, and to fly in the face of all experience.

Written constitutions are to be found in every branch of human affairs. What else is the lease of a house, a marriage settlement, a partnership deed, the articles of association of a joint-stock company, the charter of a town? Every English colony has its written constitution, and the written constitution of the United States, made in express defiance of all De Maistre's principles, has for about eighty years succeeded in the most marvellous manner. The fact is that writing, like everything else, has its place in human history. There is a period after which it is as natural and necessary for men to write their constitution, as it is natural for them in simpler times to leave it unwritten, and evils are as incidental to the one as to the other state of things; but, whether a law is written or unwritten, its nature is always the

same. It is a command which imposes duties and confers rights. The writing is only evidence of its terms.

As to the last part of De Maistre's essay, it may be observed that his etymological observations are perhaps the happiest part of the whole work. They are beautiful as guesses, but as arguments they may be described as good taste run mad. Nothing certainly can be more vulgar or offensive than the unnatural and pretentious names, of which so many were invented under the influence of the French Revolution; and it is very true that names originally vulgar, but ennobled by historical associations, have something specially racy and attractive about them. But etymology, especially as De Maistre understood it, is not definite enough to support the sort of propositions which he wished to build upon it. He knew just enough of it to make fireworks of, and his fireworks are singularly graceful and ingenious. There is a shrewdness in some of his observations on this head which reminds one of Mr. Carlyle.

As to the argument of which his etymology forms one branch—the argument, namely, that the divine origin of law is proved by the fact that the exclusion of the divine element from politics by the revolutionary spirit led to the downfall of the political world—nothing can be more false. Whatever may be the truth as to the exclusion of the divine element from politics, it is idle to assert that the political world has fallen to pieces. The very contrary is the

fact. Political institutions throughout the whole of Europe and America are far stronger now than they were before the Revolution. Whatever may be thought of the United States, it is impossible for any sane man to deny the broad fact that there stands one of the firmest and strongest Governments in the world, founded upon the very principles which De Maistre denounced as atheistical, and realising the very project (that of a great republic) which he declared to be not only impossible, but to involve a contradiction in terms like a round square. Every part of Europe is moving in the same direction under a variety of conditions.

The great blemish which is inseparable from all such speculations as De Maistre's is that they regard the greatest movements of modern times, the Reformation and the Revolution, as simply negative and destructive. No movements in fact were ever so creative. It was the mass of the living and growing body which burst the old clothes. The new order of things which we see growing up in all directions—lay government, lay science, natural religion—are positive and living if ever anything was. The new elements introduced into human life by Christianity itself, were not more full of vital energy and reality, than those which have been fostered and partially thrown into shape, by the movements of the last three centuries.

The real cry of the eighteenth century was not a blasphemous cursing of God, but an exceeding great



and bitter cry against what it regarded, and not wrongly, as a blasphemous and in some respects fraudulent misrepresentation of the divine character. Men did not call upon God to leave them, but upon kings and priests, who claimed to be God's agents, to stand out of the light of mankind, and let them see for themselves what the divine will and character were.

Such at least was the case with many of the most audacious writers of the eighteenth century. To describe Voltaire and Paine, for instance, as atheists is a gross calumny. Sour and narrow-minded pedant as he was, Robespierre believed in his *Être Suprême*; nor will any one who looks, with anything like an unprejudiced eye, at the theories of our own age and nation, venture to deny that, with all their confusion and conflict, they are rapidly bringing into existence an order of things which, whether good or bad, shows as much promise of stability, and of producing a powerful effect on the character of the human race, as any that has preceded it.

## XVII

### DE MAISTRE ON 'THE POPE'<sup>1</sup>

DE MAISTRE was perhaps the ablest and most conspicuous of that strange and small class of writers who, being men of great ability, have a genuine intellectual sympathy with the losing side. With less unction and passion, and with a far wider experience of practical life, he closely resembled Dr. Newman. Their styles are exceedingly similar. They both write as well-bred men talk, and this gives their works a singular union of elegance and power. Each, too, possesses great logical power of a certain sort—the power of making assertions which look consistent, and asking people to believe them because they look consistent, irrespectively of the evidence by which they are supported.

There are, however, great distinctions between them. De Maistre is infinitely more confident and less sceptical than Dr. Newman. He never seems to have felt those genuine doubts as to the truth of the

<sup>1</sup> *Du Pape, suivi de l'Église Gallicane dans son rapport avec le Souverain Pontife.* Par le Comte Joseph de Maistre.

fundamental parts of his creed, which form a kind of background, all the more impressive because it is so indistinct, to all Dr. Newman's opinions.

The background in De Maistre's mind is filled up, not by doubt, but by a strange mysticism which occasionally finds vent in contemptuous denunciations of all common opinions, upon the strength of some profound and, as it would seem, almost incommunicable truths locked up in his own breast. '*Bon sens*,' used in a sense analogous in some degree to that in which Reid spoke of 'common-sense,' and the 'traditions' of the human race, are to De Maistre what mysteries are to Dr. Newman.

When Dr. Newman finds himself pushed by a difficulty, he always gets out of it by telling you that there are insuperable difficulties in everything. 'A mystery more or less, what does it matter?' When De Maistre finds himself in the same situation, he becomes dithyrambic, and begins to talk of some universal tradition about sacrifice or expiation, or to assert that the strictest scientific methods produce such and such mysterious results, of which the doctrine attacked is only the theological equivalent.

The most striking difference between them, however, is no doubt the difference between the student and the man of the world. Dr. Newman always writes from the point of view of a man who has passed his life amongst books. He gives his readers the impression that he has never looked face to face upon his fellow-creatures, and seen with his own eyes

what sort of things really weigh with them in the real business of life, and what sort of things are good only for students, and for them only when they have actually fixed their minds on their books.

His most characteristic writings produce upon a man of the world the effect of an unpleasant dream. By a great effort to place yourself at the author's point of view and to sympathise with him, you can arrive at feeling a certain sort of fascination for a short time ; but you have only to move, and the whole thing drops off so completely that it is difficult to understand how it could ever have affected you at all.

With De Maistre it is otherwise. His arguments are never fine-spun or cloister-like. They are the natural expression and defence of the opinions of a man who lived, and felt, and played a conspicuous part in the active affairs of life. Even the dash of mystical enthusiasm which runs through all his works has a genuine tone about it. It expresses the real feelings with which an eager warm-hearted man looked upon practical affairs of the greatest interest. For instance, his doctrine about expiation, sacrifice, and the like, is not merely a history dug out of old books, and made to look a little more or less difficult, by comparing it with other things of the same sort obtained in a similar manner ; it is the genuine expression of the sentiments by which he consoled himself for the storms of the French Revolution, which would otherwise have appeared to him a sort of end of the moral and religious world.

We have already made some observations on the principal speculative work of this remarkable man—the *Soirées de St. Pétersbourg*. His book *Du Pape et de l'Église Gallicane* is more definite, less mystical, and of far greater historical importance; for there can be no doubt that the ideas which it develops, and to the spread of which it largely contributed, have exercised immense influence on the modern history of France, and, through France, on the history and fortunes of Europe in general. There is every reason to believe that the history of their influence, and of the changes which it will produce in European affairs, is as yet only in its infancy.

Perhaps the worst and least philosophical of Lord Macaulay's essays is the one on Ranke's History of the Popes, which develops at great length, and, as it appears to us at least, with much exaggeration, both of phrase and of feeling, the well-known paradox that the claims of the Church of Rome are founded on imposture and destined to immortality. The famous New Zealander passage which occurs in this essay is an excellent specimen of its general character—of the gaudiness of its colouring, and of the unsubstantial, indiscriminating way in which views all but contradictory to each other are thrown into immediate juxtaposition, without the least effort to explain the difficulties which their juxtaposition suggests.

A sincere Roman Catholic might have written one half of the essay; a sincere Protestant (and Lord

Macaulay was not merely a sincere, but a hearty and zealous, Protestant) might have written the other. A sincere lover of truth, capable of doing justice to each side, might have written both, but such a man would hardly have been contented to leave the two halves of his work staring at each other without pointing out the solution which harmonised the apparently discordant facts. Lord Macaulay was both a sincere lover of truth, and a man quite capable of attaining it, and of describing what he had attained; but when he wrote that essay he was not in one of his philosophical moods.

We have referred to it because that half which is favourable to the Roman Catholics, gives a good idea of the character of De Maistre's work *Du Pape*. It is an energetic and most skilful effort on the part of perhaps the ablest and most devoted Roman Catholic writer of the day (the book was first published in 1817) to play, once more, the game which, at several other critical periods of its history, had been played by the Romish Church, and which, consists in drawing still tighter, round those who remain in its communion, the bonds which, before some great catastrophe, had included a larger number of subjects.

The general settlement which took place at the Treaty of Vienna gave the absolute sovereigns of Europe, and especially the Pope, a far better position than they could have been in the habit of expecting for the twenty-three preceding years. De Maistre's book is intended to give the Pope a position even

better than he had before, as regarded his fellow-sovereigns in general, and in particular as regarded the King of France. He thought—and events have proved how shrewd his judgment was—that the changes made by the revolution in all matters spiritual and temporal might be used in such a manner as entirely to wean the French clergy from their old allegiance to the nation, and to lead them to regard themselves as the subjects, in all ecclesiastical matters, of the Pope alone.

In order to promote this object, he first develops, after his fashion, the meaning of the doctrine of Papal infallibility, and he then denounces in a series of chapters—some of them very brilliant and striking—the different antagonistic views which have prevailed amongst Christians, especially those of the Protestants, the Greek Church, and, above all, those of the Jansenists, and of the advocates of the Gallican Liberties as embodied in the four articles of 1682.

The general theory of infallibility, according to De Maistre, differs a good deal from the popular notion of it as understood by Protestants. He expresses his view of the subject in the first few lines of the book, of which all the rest is nothing more than a development.

He says, ‘Theological truths are only general truths manifested and rendered divine, in the sphere of religion, in such a way that not one can be attacked without attacking a law of the world. Infallibility in the spiritual order, and sovereignty in the temporal

order, are perfectly synonymous words. Both express that supreme power which rules over all the rest, from which all the rest are derived, which governs and is not governed, which judges and is not judged.

‘When we say that the Church is infallible, we do not demand for it, it is very essential to observe, any particular privilege; we demand only that it should enjoy the right common to all possible sovereignties, which all act of necessity as if infallible, for every government is absolute, and from the moment that it can be resisted under the pretence of error and injustice it exists no longer.

‘Sovereignty has different forms no doubt. It does not speak at Constantinople as at London, but when it has spoken, in the one place or the other, the bill is without appeal as well as the fetwa.

‘It is the same with the Church. In one manner or another it must be governed like every other association whatever. Otherwise there would be no more aggregation, whole, or unity. This government, therefore, is by its nature infallible, that is to say absolute, otherwise it will govern no more.’

The government of the Church being, then, absolute and infallible, *quæ* government, what sort of government is it to be? There are only three forms of government — republican, aristocratic, and monarchical. The Christian Church cannot be a republic, because in that case unity would be destroyed. If the Presbyterian theory were true, the creed ought



to run, 'I believe in the Holy Catholic and Apostolic Church,' not in 'One Holy Catholic and Apostolic Church.' 'To maintain that a crowd of independent Churches form one universal Church is to maintain, in other terms, that all the political governments of Europe form one universal government.' The Christian Church cannot be an aristocracy, because nobody claims such a position. It is therefore, by way of exclusion, a monarchy; and, if so, the Pope is obviously the monarch, and, *quà* monarch, he must be infallible. 'Every true statesman will understand me perfectly when I say that the question is not whether the Sovereign Pontiff is, but whether he must be (*doit être*), infallible.'

These are the principles of the book; the rest is application and illustration. It contains, however, one argument which, for many reasons, is curious. De Maistre quotes Bossuet's statement that the 'doctrine of infallibility did not commence till the Council of Florence,' and Fleury's statement that Cajetan was the author of the doctrine under the pontificate of Julius II. By way of answer to these statements of 'theologians of the first order,' he sets up the whole doctrine of development in nearly the same words as those used by Dr. Newman. We are not at present prepared to say how far Dr. Newman, in his essay on Development, cites De Maistre, but he certainly travels on the same road in this as in many other matters.

From establishing the infallibility of the Pope, De

Maistre passes to a consideration of its effects, and undertakes to prove historically that it has produced great benefits to the world at large, and philosophically that it ought to do so, and that no other device known to men is able to mitigate the inconveniences of sovereignty. If, he says, subjects could complain to the Pope of their sovereigns, and if Popes could hear the cause and pronounce sentence, the object of revolts would be gained without violence, and without that violation of all traditions, and of fundamental principles both of good sense and philosophy, which is involved in resistance to constituted authorities.

The real prospect of repose and prosperity for Europe is the establishment of legitimacy tempered by the Papal supremacy. Absolute kings, checked by absolute popes, are what we have to hope for. All other forms of government and belief are bad; but the worst of all, the true enemies of the human race, are those hybrid and bastard creations, ecclesiastical and political, which give people an excuse for the possibility of believing in any other forms of government than these two.

The British Constitution, in particular, was looked upon with rather an evil eye by De Maistre, and its downfall was predicted; but the two things which he could not endure were Protestantism and Jansenism. As to the first, he says: 'To re-establish religion and morality in Europe, to give to truth the force required by the conquests which it meditates; above all, to confirm the thrones of sovereigns, and to calm

gently that general fermentation of minds which threatens us with the greatest evils, an indispensable preliminary is to efface from the Dictionary of Europe the fatal word Protestantism.'

As to Jansenism, he devotes a whole volume, and a very curious one, to an attack on the Gallican Liberties as claimed by the Declaration of 1682, and on the Jansenists in general, and in particular on Pascal and Arnauld, whose claims to their great reputation he criticises in detail, and, in our judgment, as regards parts of Pascal's writings, with considerable justice. His attack on the Gallican Liberties has the great merit of giving a very lively idea of a passage in history of which every one knows the name, and of which very few know anything more.

Few people know how close an analogy might be drawn between the powers claimed by Louis XIV. and the Parliament of Paris as against the Pope, and the powers exercised by the Judicial Committee of the Privy Council over the Church of England. Still fewer are aware of the great similarity between the question, how Fenelon was to be dealt with if he refused to submit to the Papal censure, and withdraw such of his opinions as had been condemned, and the question how the Bishop of Natal was to be evicted from his bishopric. Much curious information on these and on some other points—for instance on the Greek Church—is to be got out of De Maistre.

We have indicated a few of the leading points of

this very remarkable book, and we will, in conclusion, make a few observations on one or two of them. De Maistre's leading principle, as we have already remarked, is identical with that of Hobbes, though we think he carries it out far less consistently. Admit that infallibility is identical with sovereignty, and it is difficult to avoid the dilemma either that the Pope must be sovereign of the whole world, or that the civil governments must all be popes. The Pope never even claimed universal sovereignty, and De Maistre expressly repudiates such a claim. On the other hand, no one ever made higher claims on behalf of 'legitimate' kings. Hence the practical result of his doctrines would be pure Hobbism without the excuses which may be made for Hobbes.

Whoever wishes to be convinced of this would do well to read the eighteenth chapter of the first book. Under a good deal of confidence, not to say bluster, it shows an utter incapacity to deal with the question how, upon his theory, the Pope falls short of being a universal monarch. In answer to the question supposed to be asked, by others than Roman Catholics, 'What is to stop the Pope?' he says, 'All canons, laws, national customs, sovereignties, great tribunals, national assemblies, prescriptions, remonstrances, negotiations, duty, fear, prudence, and above all, opinion, the queen of the world.'

Savage Landor had a Jesuit Latin poem which contained an address to the different Papist sovereigns of the sixteenth century, asking them why they did

not put down Protestantism. 'Cur non' conquer England; 'Cur non' put down Holland? etc. He wrote on the margin, 'Cur non? Quia non potuistis.' In the same way, De Maistre might have put his long answer into one word. What is to stop the Pope?—Resistance. This one word overthrows his whole theory.

Apart from this, it is obvious that he merely juggles with words, and indeed upon examination the whole argument resolves itself into a *petitio principii*. It is, of course, open to any one to use words in any sense he pleases; but it is plain matter of fact that, whatever De Maistre may choose to say, no two ideas can be more perfectly distinct than those of superior force, or supremacy, and incapacity of error, or infallibility. Any man who is stronger than I may force me not to deny what he says; that is, he may threaten me with every consequence in his power if I do. But it does not follow that what he says is true; and if the strength be increased in imagination to any degree whatever, even to the point of omnipotence in the way of inflicting punishment, there is no necessary connection between this and the truth of the opinions so protected.

The sovereign Legislature of this country is supreme, but De Maistre himself would hardly assert infallibility of it in any sense in which Protestants would care to deny it of the Pope. That the Pope is infallible in his own Church, in the sense of being its ultimate ruler—that most Roman Catholics are, as

a fact, in the habit of obeying him in certain particulars, and of asserting their readiness to obey him in certain others—may be true ; but it is a mere fact. It proves nothing at all about the Pope which analogous facts do not prove about the Judicial Committee of the Privy Council in England.

Supremacy has so little to do with infallibility that it is not only consistent with, but is greatly strengthened by, admitted fallibility. Parliament is supreme, but one of the greatest elements of its power lies in the fact that, though every one is compelled to obey the laws, every one is at liberty to discuss their propriety. Hence an admission of the supremacy of the Pope does not in any degree admit, or tend to render probable, his infallibility ; but with De Maistre the supremacy not only proves, but even constitutes, the infallibility. His whole argument, therefore, falls to pieces.

As to the argument in favour of the Papal supremacy, it is as shallow and unsubstantial, when fairly considered, as most of his arguments are. He generally has glimpses of the truth, on most of the subjects which he handles ; but it very rarely happens that he thinks out any question whatever, and gives the truth, the whole truth, and nothing but the truth, upon it. He saw that in every society, political or religious, there must be, somewhere or other, a supreme government, and that liberty is a negative idea, the mere absence of restraint ; but he did not see—and this is true of Hobbes also—that there are almost

innumerable ways in which sovereignty may be divided.

This subject is discussed with his usual profound simplicity by Austin, in his *Lectures on Jurisprudence*; and it was made the subject of a somewhat more popular, and most interesting, paper, by Sir Henry Maine, the legal member of the Executive Council of India, in the early days of the Juridical Society.

The theory of these able men is shortly as follows : Sovereignty means the possession of power for the use of which, in one way or another, the holder is not in the habit of answering to any human superior. Many different persons, or bodies of persons, in a State may exercise such power, and if they do the sovereignty is shared between them. They collectively are the sovereign. In England, for instance, every voter for members of Parliament does an act of sovereign power in giving his vote, as much as the Queen when she assents to an Act of Parliament. Thus the sovereign power is a shifting quantity; vested now here and now there, and continually changing its position, though it always resides in some assignable person or persons at any given moment, just as there is always a centre of gravity to the human body, though it is never for many seconds in precisely the same spot.

In large and complicated political bodies it is common for the sovereignty to be divided in such a manner that it is, for practical purposes, extremely

difficult to say where it is, and then there is no remedy but a direct trial of strength. During the trial there is no sovereign, or at least no ascertained sovereign. After the trial the probability is that the conqueror forces the conquered to give up the power which he previously had or claimed, and thus the sovereignty is redistributed.

This was well illustrated in the American civil war. Before and during the war much was to be said in favour both of the Federal and of the State-rights theory of sovereignty. The question is now settled. The sovereignty lies with the Federal Government, and not with the State Governments; and this has been settled by the course of events, not as a mathematical theory is settled by argumentative demonstration, but as the plan of a house is settled by building it thus, and not otherwise.

History is full of similar instances. In England the wars of the seventeenth century settled, at last, that Parliament—the King, Lords, and Commons—were the Sovereign, and not the King alone, and other instances of a similar kind might be given. What do such instances prove? Nothing but a matter of fact. The arguments used in favour of Charles I.'s power as against the Parliament, or in favour of the sovereignty of the State of Virginia as against the United States Government, are as good now as ever they were, and prove to all impartial observers that the result of the battle introduced a different order of things from that which existed



before ; that the sovereignty shifted, not that it always was vested in those who acquired it in the course of events.

Whatever De Maistre or other writers may say, the history of the Christian Church, in so far as it is a government, is exactly analogous to this. That Councils in early times had great powers, and that national churches in later times had also great powers, and that the sovereignty over the Church (conceding for the moment, for the sake of argument, that there was any such thing) was divided between a number of different persons, are facts as clear as any in history. It is also clear that this division of power, combined with other causes, produced great convulsions which ended on different occasions in very different ways. In Protestant churches the Pope altogether lost, not only his share of the sovereign power, but all power of every sort. In Roman Catholic countries the results varied. As a rule, however, the range of his power was greatly narrowed, and its directness within the restricted range considerably increased.

Throughout the greater part of the last century the Gallican Church included nearly the whole of the French nation, and, both in theory and in fact, was recognised by the laws of the land, and, in its turn, inspired and in many ways directed their action. It was, however, nearly as free from the control or interference of the Pope as the Church of England itself. Louis XIV. was more than once on the brink of asserting his complete independence. No doubt

he had it in his power to do so ; and if he had done so and had held his own, as in all probability he would, the question of sovereignty would, by that very fact, have been decided in his favour, just as the same question has been decided in favour of the Federalists by the issue of the civil war.

History, in short, proves to demonstration that Church government, like other things, has been continually fluctuating ever since the origin of Christianity. De Maistre's argument is that, because the Papal power has gradually become more direct, as its range has been restricted, the Pope ought to be obeyed by the whole Christian world in the same manner as he is obeyed by that part of it which chose, or was forced, to continue to submit to him. This involves the same fallacy as would be involved in saying that a father who had driven all his grown-up children out of the house, by his bad conduct, had the same rights over them, which he was able to exercise over the infants, whose weakness compelled them to remain.

We have room for only one other remark on the subject of De Maistre's main argument. It is that he never appears to understand how difficult it is to say anything precise, or even intelligible, upon the subject of unity, on which he is constantly dwelling. Unity is a most indefinite word. What is meant by the unity of an individual man? What by the unity of a tree, or the unity of a milestone? Examine the matter strictly, and it will turn out to mean no more

than the fact that the man, the tree, the milestone, make a single impression on the mind which predicates unity of them.

As soon as you begin to analyse, you find that the man includes thirty-two teeth, unnumbered thousands of hairs, many pounds of blood, a good deal of water, etc. etc., and that the tree and the milestone are also complex collections of different things. Each is a unit in this sense only, that each leaves a single impression on the mind. So with the Church; no particular thing, such as unity of government or of creed, is essential to its unity. It is one if, and in so far as, there is enough in common among its members to enable them to be thought of at once.

De Maistre's standard argument is that a Church cannot be one without unity of government. He illustrates this by saying, that to talk of a number of independent Churches, as forming collectively one Church, is as absurd as to talk of all the governments of Europe as forming one government. It would, of course, be a contradiction in terms to talk of one thing being, at one time, many things of the same kind and in the same sense. One tree cannot be ten trees, nor fifty governments one government; but a thousand trees may be one forest, and a thousand governments one empire, and it may so happen that the same word is applied to the larger and the smaller unit.

Thus De Maistre himself would not have said that there was any impropriety in speaking of the

Church of England and St. James's Church. Indeed, he constantly talks of the Church Catholic and the Gallican Church. It is neither unmeaning nor uncommon to talk of Europe, or the Christian world, as forming one great commonwealth. What is meant is, that there is so much resemblance among the opinions, feelings, laws, customs, and tastes of the different populations of Europe, that they produce upon the mind the effect of unity as to the particulars in which they resemble each other.

We talk, for instance, of European morals, or European law, with a real, though with a somewhat indefinite meaning, and in the same way there are senses in which Christians may be said to form one body, though they are not under the same system of Church government. For instance, the English, the Scotch, and the American Episcopal Churches are one in the sense that they all hold the same creed, have almost the same form of worship, and recognise each other as Christian Churches for all ecclesiastical purposes. That they are subject to no one common coercive authority is a mere matter of organisation and detail.

## XVIII

### THE RIGHTS OF CONSCIENCE

NOTWITHSTANDING all that has been said and written on the rights of conscience, toleration, freedom of opinion, and other topics of the same kind, it still remains true that there is hardly any subject on which so much confusion exists, and on which it is more difficult to give a completely satisfactory answer to the various difficulties which may be suggested. The popular version of the theory of the rights of conscience is not very unlike that which was imputed to Liberals in general by Dr. Newman, in the latest of his publications. He gives the following proposition as one of the Liberal dogmas to which he specially objected: 'There are rights of conscience, such as that every one may lawfully advance a claim to profess and teach what is false and wrong in matters religious, social, and moral, provided that to his private conscience it seems absolutely true and right.' And he gives, as a legitimate inference from this, the proposition—'Therefore individuals have a right to preach and practise fornication and polygamy.'

We made some observations on this, amongst other statements of Dr. Newman's on Liberalism in general, but the subject is not one to be dismissed in the few lines which were all that we could then afford to it. It well deserves a fuller discussion, and it is impossible to do justice to it, without drawing such an outline of the relation to each other of the main questions of moral philosophy, as will show the place which we should be disposed to allot to conscience, and the general conception which we have formed of its rights.

The general problem of all moral philosophy is to give a true theory of the rules by which human conduct ought (whatever that may mean) to be regulated. It will be found on examination to be summed up in three principal questions: What is the meaning of right and wrong? Why should a man do right, and not wrong? How are men in general, or given men in particular, to know what is right and what is wrong? A complete answer to these three questions would constitute a complete system of moral philosophy. In one sense, each of the three questions is independent of the other two, but their natural order is that in which they are arranged above, and it is difficult to answer satisfactorily the question as to the rights of conscience, without giving more or less of an answer to all three.

The first question then is, what is meant by right and wrong, which, it is to be observed, are both substantives and adjectives? The answer is that

right and wrong, the adjectives, are words denoting the agreement or divergence of an action from any rule with which the action is compared. Right, the substantive, means a faculty or power secured to any person by any rule; and a wrong means an act done in violation of a right. Thus, the words right and wrong, whether used as adjectives or as substantives, are emphatically relative words, and convey no information at all unless we know what is the quality of the rule according to which a given action is said to be right or wrong, or a given power is secured. The only definite quality which has ever been suggested as a possible test for moral rules is their tendency to produce the happiness of mankind at large; and after all the words which have been heaped up upon the subject, and all the books which have been written upon it, no one has been able either to deny that there is a connection between virtue and vice on the one hand, and happiness and misery on the other, or to show that right and wrong, in the emphatic sense, mean anything else than the conformity or otherwise of an action with rules so framed as to produce a maximum of happiness.

This question, indeed, though it lies at the bottom of the whole subject, and though its true character and position are not unfrequently overlooked, does not, in fact, occasion much difficulty. The great difficulty lies in answering the other two questions. How are particular people to know what course of conduct is prescribed by rules so framed as to produce

a maximum of happiness, and why, when they do know it, should they act accordingly?

To the question, how you are to know what is right in the sense explained, there are two principal answers. First, it is said, the knowledge may be got as other knowledge is got—namely, by experience generalised and thrown into the shape of rules. Next, it is said, that every man has a conscience, or natural faculty, which tells him without further trouble what is right and what is wrong.

The third question, Why should I do what is right? also admits of a variety of answers, which may be arranged under two principal heads. One school counts up the sanctions of morality, such as the legal, the popular, and the religious; *i.e.* you will be hanged, hated, and damned if you do such or such acts—therefore abstain. The other school speaks of a special sense of obligation which, as it asserts, rises up in the mind when it contemplates right actions as such, and which is entirely different in its character from either fear or hope, and constitutes in itself a peremptory, and entirely sufficient, reason for doing one set of things and abstaining from another. It is alleged that the conscience is the seat of this feeling.

It is not necessary, in order to investigate the rights of conscience, to enter into a discussion of the comparative merits of these two systems. In each of them the same great questions are discussed and decided, and though there is a considerable difference between the ways in which the second and third



questions are answered, the practical difference between the two is less important than it might at first sight be supposed to be. In each case the conscience plays much the same part. It is a guide, and a judge who executes his own sentences, and that quite as much in the utilitarian scheme as in the other.

That scheme may be, and we are disposed to think that it is, the true one; but the fact that men have consciences, explain it how you will, still remains true. There is an internal voice which warns the utilitarian, as well as other people, that this is to be done and that left undone, and which, after the act is over, makes them feel either regret or self-approval for having done it. We may, or may not, think that it is a truthful guide and a good judge—that is, that its admonitions point out the course which contributes to the production of a maximum of happiness, and that its judgments are of such a character as to furnish a motive for pursuing that course; but that it does influence human conduct, both as a guide and as a sanction, there can be no doubt at all. It is as much a matter of fact as any other fact in our whole nature.

Upon the other view of the nature of morals the position of conscience may look more important at first sight than it is upon utilitarian principles; but even on this theory it is plain enough that conscience is not, and cannot be, everything. Probably no moralist worthy of the name, or sufficiently eminent to exercise the least influence over his neighbours,

was ever content with so crude and slight a theory, as that each man had in his own breast an infallible guide and judge, whose prescriptions at once announce the moral law in a complete shape, and provide adequate sanctions for enforcing its precepts.

Theorists of one kind or another always must be, and, in point of fact, we believe always are, provided with expedients for dealing with the case of an ill-instructed or diseased conscience. An external standard of morals, of one sort or another, has always to be set up as a criterion by which the dictates of individual consciences may be measured ; and that is the fact which gives utilitarians one of their strongest arguments, which is, that sooner or later, and after more or less difficulty, circumlocution, and obscurity, every moral theory comes round at last to their own doctrine, under some one or other of the numerous forms which it is capable of assuming.

It would appear, therefore, that whatever answer may be given to the main questions of moral philosophy, it will always be necessary, in considering the question, what are the rights of conscience?—in other words, what specific consequences ought legislators or systematic moralists to attach to the fact that individuals do really, and in good faith, believe this or that to be right or wrong?—to assume some external standard by which the correctness of the dictates of individual consciences may be measured.

The question, therefore, what are the rights of

conscience? may be thus stated. Assuming the existence of an external test of the morality of actions—and for the purpose of distinctness we will suppose that the doctrine of general utility supplies such a test—and assuming, further, the existence in every man of a faculty which tells him to do or abstain from certain things, and which rewards or punishes him for such acts and abstinences, what is the relation between this internal and the true external standard, and how far and with what limitations is it desirable to accept compliance with the internal and imperfect standard as equivalent to compliance with the external and true standard?

A complete answer to this question would be a complete statement of the rights of conscience, that is, of the specific consequences which a legislator or systematic moralist would attach to obedience to its guidance, or rather of the cases in which he would regard such obedience as a justification of the person obeying, although his conduct was wrong when judged by the external standard.

It is obvious that, when an external standard of morals has once been chosen, that external standard will apply, not only to specific acts, but to every general rule by which specific acts are estimated. Taking, therefore, the rule of general utility as the standard, the question will be, in what cases does it promote the general interests of the world at large, that men should act on the admonitions of their own consciences, even though their consciences advise

them to do, and reward them for doing, and punish them for not doing, acts which violate the principle of utility—acts which belong to a class forbidden by rules calculated to produce a maximum of happiness?

It would require a complete treatise to answer this question fully, but it is possible to state shortly the leading principles on which its solution depends, and to give a few illustrations which will show the way in which it would work in practice.

The first question which it involves is—What is conscience? In what light is it to be considered? To this there are only two possible answers. Conscience may be regarded either as a faculty entirely *sui generis*, as a crowning ruling principle which, as has been impressively said, ‘if it had force, as it has right, would govern the world,’ or it may be regarded as a combination of reason and sympathy, become habitual and acting instinctively. It is obvious that the consideration to which it is entitled will vary greatly according as we adopt the first or second of these views. Our own opinion is in favour of the second, which we will state somewhat more fully before trying to support it.

We regard conscience, then, as a compound faculty, the operations of which are some evidence, but not conclusive evidence, that the actions which it commends and rewards, or forbids and punishes, are morally good or bad, *i.e.* conform to or violate rules framed on the principle of general utility. If we

consider the operations of conscience, it will appear that every conscientious feeling contains the two elements of feeling and reason. The emotion called praise or approval, and the emotion called blame, are as spontaneous as light, and not much less vivid, though they are far less steady and definite, partly because the facts which excite them are usually complex and transient.

Reason and experience alone can frame any interpretation of these feelings, or draw any sort of inference from them. The proposition that an act ought not to be done because conscience forbids it is as much the work of the reason as the proposition that you ought not to eat green fruit because it will disagree with you. Till this task has been fully performed to some tolerable extent, a person can no more be said to have a conscience, in the full sense of the word, than a child can be said to speak till it has learnt how to arrange the sounds which, when put together, make up words.

A man sees another killed, and feels horror at the sight, or, having killed another person, feels horror at the recollection. Or, again, he receives or confers a pleasure, and feels satisfaction in the act and in the recollection. These feelings are no doubt necessary conditions, without which conscience could not be formed, as the faculty of making sounds is essential to speech; but they are no more to be called conscience, than such sounds are to be called speech, till, by the help of reason, they have received

a sufficiently definite form to be capable of specific application to particular facts.

Thus, for instance, the instinctive sympathetic element of conscience revolts at the sight of the infliction of pain simply, but no one would describe conscience as being sufficiently developed to deserve the name, until it had learnt to distinguish between the pain given by a surgeon, and the pain given by an assassin. We should, therefore, describe conscience as being, not a simple primary faculty, but a power of self-praise or blame formed by reason into a habit. In so far as this habit acts by anticipation, conscience is a guide. In so far as it acts retrospectively, it is a judge executing its own decrees.

Several reasons for this opinion might be given, but the great reason is that the theory which regards conscience as a crowning governing faculty—a faculty *sui generis*, and distinct from all others—is inconsistent with the wide variations between the dictates of the consciences of different men at different times. The faculties which are undoubtedly *sui generis* and ultimate authorities vary, as far as we can judge, within very narrow limits. The more definite senses—for instance, sight, hearing, and touch—vary hardly at all, except in degree from man to man, so far, at least, as we can judge. With exceptions so rare as to constitute a curiosity, all men recognise the same colours, and even the same shades of colours, and the same shapes. No one fails to distinguish a bass voice from a tenor, or the feeling of

leather from that of cloth; and where variations do occur, as in the case of colour-blindness, there is no difficulty in making the person who is in an insignificant minority recognise the fact.

This is very different from the case of morals. A great deal has been said—not always, we think, wisely—on the difference between the moral judgments of different times and countries, and of different individuals of the same time and country. It has been asserted with some vehemence, on the one side, that the virtues of one age and nation are the vices of another; and it has been said with equal warmth, on the other side, that no nation ever approved of ingratitude, or cruelty, or perfidy as such, although under particular circumstances they may have applauded actions which others would have classed under those heads.

Let us try to form some notion of the degree of truth which is contained in these opposing statements. Is it possible to state in general the limits of the agreement and divergence of men upon questions of right and wrong? We do not think the task is hopeless. The morality of a given society consists of the rules of conduct which, as a fact, are considered binding in that society, and these rules have reference to the way in which the society is organised. Now there are dispositions which are obviously and glaringly injurious to mankind in general, let society be organised how it will, although they are injurious in different ways in different kinds of societies. On

the other hand, there are dispositions and practices which are injurious in societies organised in one way, and not in societies organised in other ways. We believe that this distinction marks with a considerable degree of accuracy the line of agreement and divergence in moral judgments.

Qualities generally injurious get common names, and are generally disapproved by those names, though they are variously defined. Thus cruelty, ingratitude, and perfidy are, and always have been, injurious to every society in which they have existed, and accordingly have always been stigmatised by dyslogistic names proximately equivalent to each other in various languages.

An ancient Greek and a modern Englishman, or a modern Englishman and his great-grandfather, would define cruelty differently. The Greek was not quite sure whether it was cruel to massacre the Melians in cold blood. The Englishman a hundred years ago thought it not cruel to hang people for horse-stealing, or to bait bulls, or set cocks to fight. Many Englishmen now think it cruel to hang men for murder. Still, ancient Greeks, Englishmen in the eighteenth century, and Englishmen in the nineteenth century, have all agreed in the general conclusion that there were cases in which the causing of pain was wrong, and that the disposition to cause pain in such cases was common enough to require a distinct dyslogistic epithet. In other words, all disapproved of cruelty, though they defined it variously.



On the other hand, the cases of divergence in moral judgment arise from different ideas according to which society may be organised. For instance, society may be organised on radically different ideas as to the nature and attributes of God, and as to the relation of the sexes. The result will be a totally different, and even discordant, set of moral principles and rules on these subjects. A nation may be organised in such a way as to produce a complete divorce between morality and religion. God, or the gods, may be thought of as capricious or immoral beings, or as beings indifferent to mankind. On the other hand, God may be thought of as the great source and pattern of all goodness.

Each of these theories will give birth to a corresponding set of moral rules, and to a corresponding state of conscientious sensibility. Conscience generated under well-known conceptions of the Deity prescribed Suttee and the worship of Moloch and of Baal Peor. It also prescribed, under other influences, the highest forms of Christian virtue. Some views of the relations of God to man lead to asceticism ; others lead to the social conception of morals which prevails in our own time and country. Under the first of these views, a life of monastic austerity is the perfection of holiness ; under the second, it is a mistake, involving a culpable neglect of plain duties.

The different conceptions of the relation of the sexes which prevail in different times and at different

places are too well known to require more than a passing notice. Polygamy is approved by the conscience of Mahometans; monogamy by that of Christians. Concubinage was perfectly right and natural in the eyes of Abraham and David. Plato wrote the *Phædrus* and the *Symposium*. In our own days, the moral sentiment on this subject prevalent in Protestant and Roman Catholic countries differs perceptibly. All these vast differences are faithfully represented by the consciences of the persons who live under the influence of the ideas from which they spring, and it is well worth remarking that there are no subjects on which conscience speaks so plainly or loudly, and rewards and punishes so severely, as those on which the consciences of different ages and classes contradict each other most flatly.

These divergencies and agreements of the consciences of different ages and nations agree perfectly with the theory that conscience is compounded of sympathy and reason; for reason acts in the most various manners under different circumstances, and is almost entirely under the dominion of the sentiments prevalent in the particular age and nation in which it acts. With the great mass of men there is little or no difference between clearly understanding a theory and believing it, and thus almost every one's conscience is a reflection of the current maxims and principles of the time and country of the person who has it. If conscience is supposed to be more than this, if it is regarded as a divine or quasi-divine

δαίμων residing in every man's breast, it is, to us at least, altogether impossible to explain its divergencies. Either it is not such an oracle at all, or if it is, it is a fallible oracle, which comes practically to the same thing.

We are now in a position to consider what are the rights of conscience, or, in other words, what consequences the legislator, the systematic moralist, and individual men respectively, ought to attach to the fact that the conscience of a particular person approves of or blames this or that. The answer will vary considerably in each of these three cases.

First, take the case of the legislator. Legislation is always reducible to a case of the contingent infliction of penalties, and for this reason it is always *prima facie* an evil, for restraint and penalty mean suffering, and unless a balance of happiness is produced by its infliction the result is a loss. Where the conscience of any part of the persons legislated for, comes into opposition to the law, this loss is greatly enhanced, for to a person who does not agree with the legislator, nor believe him to be wiser than himself, a law forbidding him to do this or that is no more than a prudential reason for not doing it. His mind remains as it was, subject only to the fact that a new danger is superadded to those which he formerly ran in acting on his opinions. Heavier punishments will therefore be necessary to make such laws effectual than in cases where conscience acts the other way.

On the other hand, if the legislator has great moral weight, if those for whom he legislates have a great respect for him, the fact that he denounces and punishes a particular thing is a strong reason to his subjects for supposing that that thing is not right but wrong. Hence, if the legislator commits himself to a conflict with the conscience of his subjects, or any of them, he ought, in the first place, to have in view a perfectly clear and very great advantage. He ought, if possible, to be so much superior to those for whom he legislates in force and wisdom that his disapproval will carry with it great moral weight.

These rules, simple as they are, give the real solution of most of the common cases about the rights of conscience. Why not persecute religions which the majority of a nation consider erroneous? Because the fact that they are conscientiously held—*i.e.* that the reason of a large number of people, exercised on their sentiments, produces an habitual conviction of the duty of believing them—shows that the gain of exterminating them is doubtful, as they may be true; and that the certain evil to be incurred in the operation would be enormously great, because there would be so much resistance.

Why treat Thuggee and Suttee as crimes? Because the evil to be overcome is great and indisputable, and because it is so glaring that, if faced and denounced as being what it is, there is a strong probability that even those whose consciences now approve such practices will come to change their minds.

Why punish high treason as a crime, when it is often committed by virtuous men on the loftiest principles? Because destruction is to a government the greatest of all evils, and self-preservation the first of duties. Still the conscientious character of the offence mitigates it so far that, when the immediate danger is over, no one would wish to punish a traitor as one would punish a murderer. In short, the fact that anything whatever is in accordance with the consciences of a large body of people, is a matter to be considered by the legislator in the creation of rights respecting it, and is, generally speaking, one of the strongest possible reasons against hostile legislation, though it is only a reason like another which in particular cases may have to give way.

Next, consider the rights of conscience from the point of view of the systematic moralist. How does the fact that an act was prescribed by a given man's conscience affect its moral quality? Meaning by the morality of an act its consistency with the principle of utility, it is obvious that the morality of an act no more depends on the conscience of the agent than the time of day depends on his watch. Acts, however, are more frequently viewed by moralists, not so much in relation to any specific moral principle of this sort, as in relation to the light which they throw on the general character of the agent, and on the degree in which other men would love or hate him. Viewed in this light,

a conscientious act is, in all common cases, equivalent to a right act, but there is an indefinable line beyond which this is not true. Intellectual duties form a real and most important, though a grossly neglected, province of morality. Honesty, energy, and courage in the conduct of the mind, are of this number, and if a man's conscience is either crotchety, superstitious, or cowardly, this is positive proof that the man himself must have been either false, idle, or cowardly in his thoughts, and some degree of disapprobation and contempt is the appropriate punishment for these offences.

Lastly, take the individual point of view. My conscience prescribes this or that. Ought I to act upon it unreservedly, fearing as I do that my mind will not be at peace unless I do so, whatever systematic moralists may say to the contrary? The answer is that no man's watch goes quite right, though the sun keeps time to a second. It is a question for every individual whether he will trust his neighbour's watch, which he can see only at a distance and indistinctly, and whether he can trust himself to take an observation. As to peace of mind, that is an advantage of which every man must measure the value and extent for himself. As a matter of fact, it is hardly probable that a habit fixed by the practice of many years, will alter itself to meet a particular opinion, formed with reference to a special set of circumstances.

## XIX

### THE TEMPORAL AND SPIRITUAL POWERS

THE question what is the nature of the distinction between the temporal and the spiritual powers, and what is the limit between their respective provinces, is one of those standing problems which slowly, but surely, solve themselves. It may be said of them, if of anything, *Securus judicat orbis*—the world decides at leisure. From the days when Paganism first attacked Christianity to the days when the Popes aimed at creating a universal sovereignty in Europe, and from those days down to our own, there has been a steady change in the views of mankind upon the subject, which appears at last as if it were working towards a result which, at all events, is intelligible, although we do not think that its true character is always clearly conceived or well described by those who make most of it.

In our own time and country the controversy has almost come to an end, unless it happens to be revived by some dispute about the loyalty of Roman Catholics, but it is an exceedingly common topic

amongst a certain school of Continental writers. Many eminent Frenchmen take every opportunity of asserting the absolute necessity of the division of the two powers. They will say that the independence of the spiritual power in its own province is the great safeguard of society, against the State-worship which would otherwise overspread every department of life, that the Pope and the Church are the great protectors of the rights and freedom of the conscience, and that if the two powers got into the same hands, the result would be the most crushing and most ignominious of all forms of tyranny.

These principles are often supported by reference to history. It is said that, as a matter of fact, the division of the two powers was one of the great foundations of the liberties of modern Europe; that Hildebrand and Innocent III. and Thomas à Becket asserted the rights of conscience against brute force; and that in the present day, if we could only see and know it, the organisation of the Roman Catholic Church is one of the principal bulwarks existing in Europe against a degrading and heartless form of despotism.

This, and much more to the same purpose, is continually to be read in newspapers, in reviews, and in speeches and addresses proceeding from eminent men, and sometimes not only from Roman Catholics but from Protestants also. No doubt, however, it is the distinctive language of that interesting though not very powerful party which tries to unite Romanism and Liberalism.



In order to form a just opinion as to its truth, it will be necessary to have a clear notion of the meaning and relation to each other of the principal terms which the discussion in question contains. These are law, power, and liberty. Without aiming at any affected precision, it will be enough to say that power is the ability to issue commands, that laws are commands enforced by sanctions, and that liberty is a negative word meaning the absence of restraint.

Setting out with these three simple definitions, the following propositions become at once obvious: First, power may be limited either by the nature of the persons to whom, or the subjects on which, the commands can be issued, or by the nature of the sanctions by which they can be enforced. For instance, it may apply only to acts done by Englishmen or Frenchmen, or to acts done in relation to war, or to public education; and it may consist in the ability to inflict imprisonment, or in the ability to inflict whipping, in case of transgression of the commands of the person who holds it. But these, or some combination of these, limitations are the only ones which the nature of the case admits; for power is nothing else than an ability to inflict some evil, or give some good to some person for some actions.

Secondly, it follows from the definitions given above that laws of whatever kinds are the contradictory of liberty, so that whatever multiplies laws of whatever sort must, by the very nature of the case, abridge liberty. This gives a short answer to those

who suppose that by increasing the number of legislators you increase that which every act of legislation must by its nature diminish.

We have next to apply these considerations to the question, What is the nature of the distinction between temporal and spiritual power? But what do temporal and spiritual mean? They mean that which belongs respectively to the clergy and to the laity as such. Therefore, temporal and spiritual power mean the ability of the clergy and laity respectively to issue commands. Hence the distinction between temporal and spiritual power; and the boundary line drawn between the two may be pointed out by solving the question, What commands can be issued by the clergy and what by the laity respectively? and these commands, as shown already, must differ either in respect of the persons to whom, or the subjects on which, the commands are issued, or in respect of the sanctions by which they are enforced.

It is generally admitted that the difference is not in the persons to whom the commands are issued. The distinction between spiritual and temporal is common to all nations and all times. The difference, therefore, must relate either to the subjects on which the command is to be given, or the sanctions by which they are to be enforced, or both. The common opinion is that there is a distinction as to both—that temporal and spiritual matters belong to different provinces of things, and that the com-

mands issued respecting them are enforced by different sanctions. That the temporal and spiritual sanctions differ is self-evident. The only real question, therefore, is whether the things themselves, the subject-matter of legislation, can be classified as temporal or spiritual.

Of course such a classification *could* be made, if all parties agreed to it. In the eleventh century Hildebrand and Henry IV. might perhaps have drawn the line amicably between their respective spheres. 'Do you regulate such and such matters by punishing men in their persons, their property, and their lives. I will regulate such others by excommunications and interdicts.' There is no reason why such an arrangement should be impossible now in the abstract. A country might be imagined in which laws respecting marriage and education, for instance, should be made by a clerical assembly, while other matters were regulated by a lay legislature. In such a case there would be a real division between the temporal and spiritual powers—that is to say, the clerical and the lay body would each possess real power over particular classes of actions. Whether such an arrangement exists in any particular place or not is of course a question of fact, but it is only as an inconsiderable and antiquated exception that it exists in the present day, if at all. Moreover, such a division would not apply to the relations between the possessors of the two classes of power.

As a rule, the two powers are distinguished, not

by the actions to which they apply, but by the sanctions on which they depend. All things have both a spiritual and a temporal aspect, and the duties arising out of those aspects respectively, are enforced by spiritual or temporal sanctions, as the case may be.

Thus almost every crime is also a sin. The duty of abstaining from the sin is enforced by the fear of punishment in another life. The duty of abstaining from the crime is enforced by the punishments inflicted by the law of the land. Every church is also a building. The duty of worshipping in it on certain occasions is a religious duty. The power of going into and remaining in the building is a legal right. The elements of the sacrament are, according to the Roman Catholic view, transubstantiated by the words of consecration. They are also bread and wine, the subjects of property, and liable to all its incidents in a court of law. Thus the distinction between temporal and spiritual power consists, not in the province over which it extends, but in the character of the sanction by which it is supported.

Starting with this view of the nature of the distinction between temporal and spiritual power, some observations may be made on several questions connected with the subject of considerable general interest, and often discussed at the present time. We will try to say something on a few of these questions—that is to say, first, on the nature and respective properties of the two powers; secondly,

on the alleged advantages of dividing them; and thirdly, on the true nature of the process inaccurately described by that expression.

First, then, as to the nature and respective properties of the two powers. It is clear that all power, whether temporal or spiritual, depends on opinion. Your temporal power over me depends upon my present opinion that, in certain cases, you can and will hang me. Your spiritual power over me depends upon my present opinion that, in certain cases, you can and will cause God to damn me. Temporal commands are conditional threats to hang. Spiritual commands are conditional threats to cause to be damned. If I am of opinion that you can hang me, or cause me to be damned, for any reason whatever which appears sufficient to you, then your power over me is exactly measured by my reluctance to be hanged or damned, and such power extends to every action of my life. I may be hanged for going to mass or for reading the Bible. I may be damned for voting for the wrong candidate at an election, or for or against a particular measure in Parliament. So far the two powers are precisely similar, but there are several important distinctions between them.

In the first place, there is no room, or hardly any room, for mistake as to the character of temporal power. In all civilised communities the evidence as to the person in whom the power to hang is vested is conclusive. Every one in England knows who bears the temporal sword, and in general upon what

terms he holds it ; but it is by no means equally clear who holds the spiritual sword, or what, if any, are the terms on which it is held. Hence the opinion on which temporal power is founded is always right, the opinion on which spiritual power is founded is always contested.

On the other hand, the terms on which temporal power can be used are as well ascertained as the fact that it resides in such and such hands, and this draws a definite outline round its terrors. No one fears to be hanged for walking down the street. The terms on which spiritual power can be used are altogether indefinite. Many people are afraid of being damned for having been born.

Another important observation on spiritual power is that it consists, not in the power of damning, but in the power of causing to be damned. This distinction is real and important, as it shows that very few persons possess spiritual power in the full and proper sense of the words. Those alone are its real possessors whom other people believe to be invested with a personal power of giving, or withholding, something either necessary or at least highly useful to their salvation. Such persons, for instance, as suppose a priest's absolution to be of this character are really and fully under the spiritual power of the clergy. Over those who look upon the priest merely as an adviser, he has, strictly speaking, no power. He cannot cause them to be damned. He can only tell them, with more or less authority, what

are the conditions of damnation. In the one case, the priest is a true ruler armed with a coercive authority. In the other, he is but an adviser.

This is the cardinal distinction between spiritual power in Roman Catholic and in Protestant countries. In Scotland the clergy had at one time immense temporal power, and unlimited spiritual credit; but they had, properly speaking, no spiritual power in their palmyest days. In Roman Catholic countries there are, and always have been, many persons over whom the clergy have vast spiritual power, even when their general influence has been at the lowest ebb, and when they were totally deprived of temporal power.

Such being the provinces and such the nature of the two powers, let us now consider the commonplaces about the importance of dividing them. Speaking generally, they will be arranged on some such principles as the following: Human nature will be conceived as composed of two distinct parts, one of which consists of all the ordinary desires for common objects of enjoyment, and the other of moral and religious principles. Organise each set of principles separately, and the State corresponds to the one, and the Church to the other. The separation and independence of the two bodies will, on the one hand, secure to the common secular faculties a legitimate sphere of action; and, on the other, will secure the spiritual faculties from secular oppression. This theory, or something like this, lies at the bottom of many of the most popular of modern commonplaces.

In particular, it is in constant use amongst that class of distinguished French writers who, by a curious eddy in the current of thought, have come to regard the Pope as a champion of human freedom. Let us consider the theory with reference to the principles already stated.

The first observation that occurs upon it is, that the separation suggested is impossible, and that the notion that it can be made proceeds upon a false theory of human nature. Human life cannot be cut into halves, though human actions may be considered in many relations. To say that trade belongs to one section, and prayer to another, is to misunderstand both trade and prayer. Honesty, amongst other things, is essential to each. Precisely the same moral defects lead men to sand their sugar, and to use insincere language in their prayers; and the same reason—namely, that it is good to be honest—forbids fraud in the one case, and hypocrisy in the other.

But not only is the theory that life can be thus divided untrue, but the suggestion that the priest and the statesman should be each provided with his own province is impossible. If a man can cause you to be damned, how are you to hem him into any particular province? How can you say, ‘You shall not cause people to be damned except for certain things?’ Suppose he replies, ‘I shall, and I will begin by causing you to be damned for trying to limit my power’—what is to prevent him?



In order to make a partition between temporal and spiritual power, you want some third power superior to both to enforce your partition. What keeps the French out of England, and the English out of France? Nothing but the fact that each Power is strong enough to hold its own against the other. If one were very much stronger than the other, and if there were no other Powers to help the weaker, the stronger would give it laws, and the weaker would hold what was left to it only at the will of the stronger. So it must always be when hard comes to hard in the ultimate analysis of things.

The possessor of temporal power, if he thinks himself liable to damnation, is, to the extent of his belief, subordinate to the holder of spiritual power; just as the priest, in his turn, being liable to death, is in the power of the temporal ruler. The two fears may be balanced, or the one may outweigh the other; but to attempt to get those who have the power of exciting them to agree that they shall never clash, but each operate in a province of its own, is to misunderstand their very nature.

The fear of being damned must override everything, and may apply to every action of human life. If, therefore, any one really possesses this power, or is believed to possess it, he is by that very fact the ruler of the world, and his power can no more be limited by imaginary compacts, or partitions of territory, than a powerful man can make himself weak by agreeing not to use his strength.

Power is power, and the man who has it is the master of the man who has it not. Whether he happens to make him feel his inferiority at a given moment or not, is a mere question of inclination or policy. Hence the attempt to draw a line between temporal and spiritual power, is like an attempt to make a law altering the specific gravity of lead and iron. Unless you put other weights into the scale, the lead will always outweigh the iron; and, by the same principle, he who can threaten highest, will be able to define the limit within which he will threaten, and to govern all those who are exposed to his threats.

From all this it follows that, so long as the opinions on which each are founded remain unshaken, temporal power is by its nature subordinate to spiritual power, and spiritual power must draw the line between them; that is, the province of the temporal power is just what the spiritual power chooses to assign to it. In other words, if and in so far as A is supposed to be able to cause his neighbours to be damned—including, amongst others, B, who is able to cause him and them to be hanged—A will govern B and all those whom B governs.

A further inference from the same principles is one which we have already indicated shortly in the earlier part of this article. It is that the existence of spiritual power must diminish, and cannot in any conceivable event increase, the extent of liberty in the world.

Four states of things are possible with regard to any given act as to which a person is capable of being restrained by the operation of either power. Both powers may leave him alone, in which case he is free; but in this case he would be equally free if one only existed. Both powers may forbid the act. In this case he is under two penalties instead of one. One only may forbid it. In this case the existence of the other does not affect the question. One may forbid and the other command. In this case he is between the devil and the gallows. If you do it you shall be damned, if you do not do it you shall be hanged. This is double slavery, instead of freedom.

It may be said that if the two powers turn against each other, instead of turning against each other's subjects, the one which happened to be stronger at the time and place might restrain the other from particular acts of tyranny against their common subjects, and that in this way the existence of the two might favour freedom, for it might prevent the imposition of penalties which, if imposed, would abridge it. Here, however, it is not the separation of the two powers which favours freedom, but the will of the stronger prevailing over that of the weaker. If the stronger existed alone, the result would be just the same.

A robber about to murder me abstains for fear of legal punishment. It is not the division of power between the law and the robber which protects me, but the supremacy of the law over the robber. If

each had a sphere of its own in which they were respectively independent, I should have nothing to hope from the law in the robber's sphere, and nothing to fear from the robber in the law's. In certain states of society the lay power has been able to curb the clerical, to the advantage of the public. In others, the converse has been the case, with the same results ; but in each instance the good done has been effected, not by the separation of the two, but by the superiority or supremacy of the one which happened to be most benevolent.

Are we then to conclude that there is no meaning at all in the commonplaces on this subject, and that the spiritual power must always be superior to the temporal power ? By no means. The real conclusion is, that the commonplaces are not accurately expressed. They all alike involve a confusion between power and counsel, and, when modified so as to meet that distinction, they are perfectly true, and show the real way to ascertain the true sphere of liberty, and secure it from invasion.

Spiritual power, as above defined, is ability to cause to be damned. This is a totally different thing from ability to announce the fact that such and such conduct does in fact tend to damnation. The physician has no power when he tells you that certain habits will lead to sickness or death ; he is merely an adviser, and not a ruler. Where the clergy are recognised as advisers merely who tell people what, as a matter of fact, will be the result of particular courses of con-

duct, they possess no power in the true sense of the word; they can inflict no penalty if their advice is not taken, and they do not profess to do so.

If the influence which their special knowledge gives them is called spiritual power, it will then be perfectly true to say that it is of the highest importance that spiritual and temporal power should be distinct; that the advisers of mankind on the one hand, and their rulers on the other, should act independently, the one using their power and the other giving their advice without encroaching on each other's province. But this is true, not of the clergy alone, but of all advisers—of men of science, of the members of liberal professions, and of authors and journalists.

This also answers the question as to the relative precedency of temporal and spiritual power. Between the two powers, in the proper sense of the word, there must always be this relation. The spiritual power threatens highest, but the temporal power threatens most surely. As people get to doubt—as in process of time they always do—whether their priests can cause them to be damned, they come more and more under the control of the man who beyond all doubt whatever can cause them to be hanged; and so long as the question is one of mere power, the whole history of Europe for eight hundred years, shows that the temporal power rises, and the spiritual falls, and that the attempt to bolster up the latter, is the attempt to bolster up a shadow.

On the other hand, the force of counsel in general, as against power in general, has, during the same period, been gradually rising. Whoever in the present day can show men, not by threats of causing them to be damned, but by appeals to their own consciences and to the general constitution of things, that such and such courses lead to all good or all evil here and hereafter, will assuredly bring mere power round to his side, or will cause men to set it at defiance, in the more civilised parts of the world. And this shows that the true course is not to try to set power against power, and to hope to find freedom in serving two masters, but as far as possible to substitute counsel for power, in all relations of life, to secure the independence of our counsellors, and to adjust power to what appears, on the whole, to be the result of the wisest counsel that can be discovered.

## XX

### MORAL CONTROVERSIES

TOWARDS the end of Bossuet's final philippic against Protestantism, the *Sixième Avertissement aux Protestants*, there occurs a passage in which he deals with those 'who say that it is in regard of morals that the way to heaven is to be kept narrow, and that it may be enlarged in regard of dogmas. All, say our Indifferents, turns upon a good life ; as to that there is no obscurity in Scripture, and no division amongst Christians. This, under the pretext of piety, is the sliest and most dangerous hypocrisy.'

He then goes on to argue that the teaching of the Church is quite as essential in regard to morality as in regard to dogma. 'If we begin to reason on the doctrine of morals, on enmities, on usury, on mortification, on lying, on chastity, on marriage, setting out with the principle that the Holy Scripture must be reduced to sound reason' (*la droite raison*), 'where shall we not go? Will it not be as easy to persuade men that it has not pleased God to carry their obligations beyond the principles of good sense,

as to persuade them that it has not pleased him to carry their faith beyond good reasoning?' But inasmuch as opinions may differ in regard to morals, we shall have to tolerate moral as well as doctrinal mistakes; and the ultimate result will be an absence of moral authority equal and parallel to the absence of dogmatic authority.

This, like the rest of the work to which it belongs, forms part of a controversy with various authors who are cited, and with whose teaching we have little to do in the present day; but the remark suggests some of the most curious points in the whole range of speculation—points to which we think far too little attention has been paid by those who have written on this subject.

The first and most remarkable of these consists in the fact that, notwithstanding all that is and has been said upon the subject of the immutable character of morality, the inherent difference between right and wrong, and the infallibility of the individual conscience in pointing out the distinction between them, morality has, in point of fact, varied immensely from age to age, and from country to country; and this not only amongst countries divided from each other by differences of race and creed, but in the very same country, and under the influences of the very same creed. This fact is so little appreciated that it is worth while to insist upon and illustrate it a little, before proceeding to draw the inferences which it suggests. Let us, then, consider in what



respects moral systems must resemble each other, and in what respects they can differ. We will afterwards consider how far, in point of fact, they actually do differ.

All moral systems are regulated by some ideal of human conduct and character, and classify the actions of life according to their agreement with or divergency from this ideal. All of them are intended to regulate human conduct, and are therefore armed with some sanction ; and these sanctions are three in number—the religious or ecclesiastical, the legal, and the moral or popular sanction. Casuistry appealed almost exclusively to the ecclesiastical sanction. The bad action of the casuists was a sin to be confessed, and to be taken into account by a confessor, in giving or withholding absolution.

Moral theories in all countries are armed, to an extent and in shapes which vary indefinitely, with the legal sanction ; and, to whatever extent this is the case at a given time and place, they are laws in the proper sense of the word. An action condemned by such a theory is a crime or a wrong as the case may be. Lastly, modern theories of morality appeal, as a rule, to the popular, and also to the conscientious, sanction, which again they try to bring into harmony with each other. The actions condemned by such theories as these, are acts of which men disapprove, though there is no specific name which contradistinguishes them as clearly as crimes and sins.

To use a legal metaphor, the legal sanction *sounds*

in human punishment, the ecclesiastical sanction in divine miraculous punishment, and the popular and conscientious sanction in disapprobation, either by the public, or by a man's own feelings. This being the nature of moral systems, it is easy to see in what respects they can differ. They may be founded on different ideals of character. They may apply their sanctions to different actions, and the sanctions so applied may differ indefinitely in point of severity. Moreover, each of the three systems may at different times be more or less effectual, both in itself and in comparison with the two others.

We doubt whether many persons are habitually aware of the extent to which moral systems have, in point of fact, varied in Christian Europe, in all these respects, even in modern times. If we take into our view other parts of the world, it would probably result, from a full examination of the subject, that no one moral doctrine whatever would fulfil the test *quod semper quod ubique quod ab omnibus*. Particular actions might no doubt be mentioned which would be approved or blamed by almost all human beings, at all times; but it would be difficult to mention a single moral rule or principle, which has always been conceived in the same way, placed on the same basis, and worked out into the same consequences.

First of all, take the ideal by which moral systems are regulated at different times. If this differs, it is obvious that the difference will be repeated in every part of the various systems founded upon it. Now,

in point of fact, it has differed widely. One opinion which has exercised immense influence over the whole course of moral speculation has been that good and evil differ from each other in their essence, that they are the names of qualities inherent in our actions independently of any consideration as to their being forbidden or permitted by a superior, and also independently of the nature of the consequences which they may produce. Another theory measures the goodness and badness of actions by their results.

So, again, the will of God has usually been regarded in modern Europe as at all events the principal sanction of morals, and, so far as it was capable of being recognised, as the great guide towards ascertaining what is right and what not; but the most various opinions have prevailed at different times, and amongst different people at the same time, as to the Divine character, and these opinions have been reflected in every part of every moral system founded upon them.

A very few illustrations will show how wide and important are the differences, in respect of practical morality, which flow from these two sources—namely, the controversy as to the nature of right and wrong, and the different views which prevail as to the Divine character. A good illustration of them may be found in the different theories which have prevailed as to justice. Suppose, first, that right and wrong mean something more than conformity with, or divergence from, a rule tending to promote the

general happiness—admit that a thing may be right and good though it has no relation at all to the happiness of any sentient being, or to the commands issued by any such being—and it is obvious that you may at once get the well-known opposition between justice and mercy.

Justice is the enforcing of certain rules having a tendency to bring about that which is right and good in itself, no matter what may be the consequences to individuals. Mercy, on the other hand, is the desire to save individuals from the penalties which justice inflicts. The two therefore are, or may be, directly opposed to each other; and if God be regarded as a being at once just and merciful, it is obvious that these attributes will clash, and produce discordant and inconsistent results. If, however, right and wrong are regarded as denoting conformity with or divergence from rules calculated to promote happiness, then the whole opposition between justice and mercy vanishes; justice is nothing but systematic benevolence, and that which is unjust can no more be merciful than that which is unmerciful can be just. The punishment of a criminal is not more unmerciful than a surgical operation. The pardon of a criminal, when it can be granted consistently with the objects of law, is no more unjust than the omission of an operation which is not required.

The matter may perhaps be made still plainer by a broader illustration. It is obvious that our view of the nature of sins and crimes will correspond to

our theory of the character of moral distinctions. Upon the one theory, sin or crime is something indefinitely terrible and tremendous, the nature of which can hardly be described or even conjectured. Upon the other theory, it is constantly tending to be viewed as a mistake or a disease.

Again, the theory of the true character of punishment, and therefore the limitations imposed upon its nature and extent, will differ according to these differences. The theory of propitiation, or expiation, is connected with the one principle, the theory of example, and reformatory discipline, with the other. The notion of propitiation, again, readily connects itself with asceticism. Suffering, upon this view, is a good thing in itself, because it has a remedial efficacy against evil. It is needless to dwell upon the practical results of this divergence, which goes down to the very roots of morality, and acts upon practice in every conceivable way. We can see the two modes of thought at work in all directions, bearing on all sorts of subjects, and affecting people's conduct and actions in all the most important affairs of life.

Moral controversies, however, differ not only in their general complexion, but in the ideal at which they aim. This difference works itself out in detail in reference to particular actions. People often suppose that morals are simple and uniform, because particular sweeping maxims are generally received. Honour thy father and thy mother, Thou shalt do no

murder, Thou shalt not commit adultery, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet, are no doubt maxims of which the force is, and has been, recognised, all over Christendom at all events, for eighteen centuries.

This, however, when examined, proves only a very general resemblance in the morality of different ages and countries. It shows that the subject-matter of all morality is the same—namely, the regulation of human conduct in certain particulars; but it by no means proves that all human conduct has been regulated by the same rules. Indeed, in respect to every one of these maxims it might be shown that wide differences of opinion and practice—differences which can be fully understood only by reference to principles lying at the root of the whole matter—have prevailed, and do still prevail, even in Christian countries.

‘Honour thy father and thy mother’ is a precept which in its obvious and primary sense has been interpreted in very different ways, as the varying extent of parental authority, both by law and by custom in different countries, fully proves. Take a single illustration. To what extent have parents a right to forbid the marriage of their children? Both the practice and the law differ widely in England and France. Parental authority, however, is commonly taken by moralists as the type of all authority, and ‘Honour thy father and thy mother’ as an injunction to obey the civil government.

What are men's relations to civil governments? How, and by what principles, is the duty of obedience to them limited? 'Thou shalt do no murder.' Is war murder? Is capital punishment murder? Is duelling murder? 'Thou shalt not commit adultery.' Is divorce permissible? Within what limits of relationship is marriage forbidden, and on what principles are those limits fixed? Is polygamy wrong, and, if so, is it wrong because it is forbidden, or forbidden because it is wrong? 'Thou shalt not steal.' How far is a man's right to his property absolute? When and how may he be deprived of it for the public good? Is it theft to confiscate corporate property, as in the case of monasteries? Was it theft to disfranchise the rotten boroughs in 1832? Is conquest theft and robbery? 'Thou shalt not bear false witness against thy neighbour.' In what cases may we deviate from the truth? 'Thou shalt not covet.' Is all ambition and all desire of what we have not got sinful, and, if not, why not, and how otherwise?

Endless differences of opinion exist upon all these questions, and upon a thousand others into which they branch off, and each of the questions arising upon them is susceptible of as many different answers as there are views of the nature of good and evil in general, of the character of God, and of the ideal of human life.

It is worth while to observe, in passing, how strikingly these observations display the truth that

our knowledge rises from the particular to the general, and does not descend from the general to the particular. A number of ways of dealing with property are called theft; but when you come to consider whether a particular act is theft or not, the maxim 'Thou shalt not steal' is useless, for it forbids the act in question only if it is theft. Hence the general use of such words as theft, murder, adultery, and the rest, proves, not that there is a general consent as to right and wrong, but that in all times and countries some ways of destroying life or dealing with property, and some kinds of relations between the sexes, have been disapproved and stigmatised by a dyslogistic epithet.

Even these differences, wide as they undoubtedly are, form only a part of the controversies which exist on moral subjects. Moral theories, as we have observed, are enforced by different sanctions, and are framed for different purposes, and the degrees of influence of these different theories upon different persons at different times are indefinitely dissimilar.

Take, for instance, the casuistical view of morality, or, as it is more properly called, the view of writers on moral theology. It would require an acquaintance with writers on this subject to which we do not pretend, to give anything like a fair account of the way in which they deal with moral problems, and it would require knowledge which no one possesses, to give an account of the practical working of the system



founded on their theories, or to attempt to appreciate its value.

A few remarks, however, may be offered which we believe are not substantially incorrect, though they are of necessity very slight. Casuists regard morality as a vast system of criminal law administered by priests in confessionals, where the penitent is the accuser and the witness, and the priest the judge. From the casuist's point of view, every sin, even if it be only a sin of thought, is a crime for which the criminal is liable to temporal or eternal punishment as the case may be, unless he is relieved from it by repentance, penance, and absolution. It is obvious that this requires the most detailed analysis of human conduct, as being either sinful or not sinful; and, if sinful, as being either mortally or venially sinful.

To read a casuist is like walking, as Jeremy Taylor said, through a hospital. You see case after case detailed with all the precision and minuteness of a law report, and marked off from each other by circumstances which, in the writer's opinion, distinguish the mortal from the venial sin, or, as lawyers would say, the felony from the misdemeanour. As the Roman Catholic Church itself authorises the writings of casuists only in a negative way, *i.e.* as containing nothing worthy of condemnation, there is a great conflict of opinions as to the character of sins and as to the sinfulness of particular acts; and perhaps all the great moral controversies would be found to repeat themselves in the works of the casuists.

What, for instance, can be more significant than the great controversy as to the love of God, upon which the Jesuits maintained that mere abstinence from sinful acts, arising from fear of punishment, was all that was requisite to salvation; and that attrition (fear of being damned) and absolution were together enough to secure a man's pardon for such sinful acts? According to this doctrine—part of which was energetically combated by other Roman Catholic divines, and especially by Bossuet—the meanest and most vicious coward might sneak into heaven if his cowardice only took the right turn, and if he had the luck to get hold of a priest when he was dying.

We do not at present inquire into the question of the truth of this system. We merely wish to point out how essentially it differs from the moral theories which exercise the greatest amount of influence in our own time and country, and which address themselves, not to the legal sanction, natural or supernatural, but to the sanction enforced by the conscience of the individual and the consciences of the public at large.

The difference lies in the fact that, in the one case, nothing is decided but a question which, at bottom, is purely legal. Does this act expose me, ay or no, to a certain penalty? In the other case, the question may possibly be put into a legal form. Is this act one which will involve the penalty of a bad conscience and of public disapproval wherever it is

known, and of the disapproval of God, whether expressed in the form of punishment or not?

But the character of these penalties is so peculiar that it is almost an abuse of language to give them such a name. They are rather guides towards an ideal, to be reached at last in some measure and with many shortcomings, than punishments proper. They one and all imply in various ways that to avoid punishment is a subordinate matter; indeed, that we ought not to seek to avoid it, but to welcome it as a good when it is required, inasmuch as the really important thing is to be in a state of moral health, to which wise punishment powerfully contributes. These two conceptions of the nature of moral rules—the conception which makes them a system of criminal law, and the conception which makes them, so to speak, counsels for the soul's health—render the rules themselves, of which the systems are composed, exceedingly different, and exercise, in different ages of the world, different kinds and degrees of influence over human conduct.

We have now attempted to give a sort of sketch of the magnitude of the moral controversies which exist in the world, and of the manner in which they embrace every point as to which moral theories can possibly differ. This review, which might be indefinitely lengthened, suggests, amongst other things, a question which is asked by Bayle. How does it happen, he says, that differences upon questions of dogmatic theology, to which it is hardly possible for

people in general to attach any signification at all, should have caused irreconcilable quarrels, and brought men to the stake by hundreds, whilst differences affecting the whole cast of our conduct and the whole course of our life have been regarded as open questions, on which the widest differences might prevail without offence even amongst members of the same communion?

A few cases may undoubtedly be mentioned—like that of the Quakers—in which religious bodies have been distinguished principally by their views upon questions of morals; and all religious controversies have a powerful secondary influence on morals, as we see in the case of Protestants and Roman Catholics.

In the main, however, Bayle's observation is perfectly true, and will be found to hold good in our own days as well as in his. It must be within almost every one's experience that people show great distress and anxiety upon the subject of their doctrinal views, and that, when these views are disturbed in any way, they look in all directions for some one who will take off their hands the responsibility of having an opinion on such subjects. On the other hand, they are seldom, if ever, distressed by difficulties on the subject of morality, unless they immediately affect their own personal conduct in regard to some particular transaction; and even then the light desired is rather with a view to the decision of the particular question, than with a view to the general principle on which it depends, however important that may be.

In a word, ignorance or uncertainty as to moral questions appears to be considered as natural as the same state of mind about dogmatic questions is considered wicked. Probably one of the principal causes of this difference, is that every one is continually being assured by his own experience that, whatever any one may please to say upon the subject, there is a degree of doubtfulness about moral subjects from which it is in vain to try to escape. The very fact that different standards of right and wrong are employed for different purposes, by persons who think on such subjects in different spirits, is in itself the strongest possible evidence of the uncertainty in which the whole matter is wrapped up. Men's consciences, and their habitual ways of using language, will not and cannot be forced to surrender at discretion to any theories whatever. In regard to dogmas, on the other hand, as their reception rests, or is supposed to rest, exclusively upon evidence and authority, a doubt of the dogma is, in fact, a doubt of the authority which asserts its truth; and a doubt upon one point involves a doubt on all.

This consideration will no doubt explain, at least to some extent, what is nevertheless a great anomaly. It does not, however, deprive of its force an observation which naturally suggests itself to any one who appreciates the degree in which morals are, in fact, doubtful, and the slightness of the importance which common feeling attributes to that fact.

When the matter is properly considered, it certainly appears as if the observation of Bossuet with which we began this article ought to be inverted. It would seem that we ought to say, not, If dogmas are laid open to dispute we shall have to tolerate a difference in morals ; but, Since differences of such vast importance are, and must be, tolerated even in regard to morals, and produce so little real inconvenience, why need you be so much alarmed at the prospect of a permitted difference as to dogmas ?

Since the Ten Commandments are so vague and general, and since your own divines who have to interpret them arrive at such different results, why are you so much horrified at a similar vagueness in the Creed, and at a similar degree of diversity in the detailed application of its general doctrines ? If members of one communion can agree to differ on the question whether mere abstinence from sin, produced by fear of punishment, and altogether unaccompanied by anything which can be called love of God, is, or is not, sufficient for salvation, why should they not agree to differ on the question whether any, and which, of the various interpretations of 'This is my body' is the true one ? The only answer which can possibly be given to this, is that the Church (whatever that may mean) has, as a fact, decided one set of questions and not the other ; and this answer clearly proves that the utmost result which a system of ecclesiastical authority can produce is obedience, and such a degree of unity of belief as

habitual obedience to the command to profess a common creed insensibly produces.

The theory always is that the Church is the guardian of a tradition which was originally divinely revealed, and that it only declares from time to time what its doctrines are, without making new ones. The divergency between moralists shows that, upon moral questions at all events, there is no such thing as a uniform tradition. The degree of authority which is exercised over them by the Church, and the similarity of doctrine which is thus maintained, prove that the Church exercises a legislative authority over them, and produces thereby a certain uniformity. This shows that such uniformity in morals as does exist, is the work of submission to a common legislator, not of consent in a common tradition; and it would be no difficult matter to show that precisely the same process has taken place in the history of dogmas.

In conclusion, we may observe, that a curious essay might be written on moral doctrines which have in course of time become obsolete. The theory of persecution, which, as we have shown, was the very corner-stone of Bossuet's whole system; the theory of usury; the theories current in all countries, Protestant and Roman Catholic, as to the proper use of Sunday; the theory as to the moral right of the legislature of a nation to make laws about marriage — all afford illustrations of the general truth that our moral code is by no means final, but is

continually undergoing a process of reconstruction. If this fact is fully appreciated, and connected with its inevitable consequences, it will be found to throw a flood of light on all the questions which have been, and are still, so vehemently agitated as to the real meaning of the distinction between right and wrong, and the true theory of the importance, the rights and the duties, of conscience.

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